

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84903 of 2024

Arising Out of PS. Case No.-294 Year-2024 Thana- DIGHA District- Patna

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Dhanraj Jha Son of Rajesh Jha Resident of Village - Shahpur Shripur Hati,
P.S. - Pandaul, District - Madhubani. At present Mithila Colony Nasriganj,
P.S. - Danapur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hansraj, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned

APP for the State.

02. In the present case, the petitioner seeks bail in connection with Digha P.S. Case No. 294 of 2024, registered for the alleged offences under Sections 120B, 302, 201/34 of the Indian Penal Code.

03. As per prosecution case, three year old nephew of the informant was found dead in the water chamber of one of the class rooms of the petitioner's school. The informant showed his suspicion that the petitioner and other co-accused persons were involved in killing his nephew for not making the payment of outstanding amount of fee of Rs. 8,400/-.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused in this case merely on

suspicion. There is no motive for killing the child and allegation in the FIR is simply not believable. Learned counsel further submits that from the inquest report, it appears that the dead body was recovered from a place which is in front of the Petrol Pump and not from the school premises. Learned counsel further submits that perhaps it happened that the boy fell down in water chamber and suffered from abrasion on his face as it appears from the report of his injury. Even the cause of death has been shown as asphyxia resulting from antemortem closure of natural orifices 'nose and mouth'. Learned counsel further submits that the petitioner is a teacher and he has no involvement in killing of nephew of the informant. The petitioner is having clean antecedent and he is in custody since 18.05.2024.

05. Learned APP for the State as well as learned counsel for the informant oppose the prayer for bail. Learned counsel for the informant submits that there is direct involvement of the petitioner and other co-accused persons in murder of the nephew of the informant and there is specific allegation against the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbability of accusation and further considering the possibility of death being accidental, the petitioner above named

is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Patna/court concerned in connection with Digha P.S. Case No. 294 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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