

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3600 of 2025

Arising Out of PS. Case No.-514 Year-2023 Thana- PHULPARAS District- Madhubani

Murli Jha, S/o Bedanand Jha, R/o Village- Amauja, P.S.- Phulparas, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate

Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard Mr. Gagandeo Yadav, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Phulparas P.S. Case No. 514 of 2023
registered for the offences punishable under Sections
302/120(B) of the Indian Penal Code.

3. The informant alleges that on 24.10.2023, at about
5.00 P.M. on account of some family feud, the petitioner along
with one Ganesh Mandal came in his house in inebriated
condition and threw stones over the informant's baby girl, due to
which she sustained injury and died.

4. Learned Advocate for the petitioner contended that
admittedly the alleged occurrence took place on 24.10.2023, but



the present F.I.R. has been instituted on 25.10.2023. In fact, no occurrence, in the manner as alleged, has ever taken place and only in order to put pressure and wreck vengeance, the name of the petitioner has been implicated in this case with a specific allegation of throwing stone. The informant's baby child is non-else, but the niece of the petitioner and there was no motive even to kill a baby child, aged about 1 ½ months. Even if the allegation is taken to be true, there was no intention to cause any harm to the baby girl and there is complete absence of *mens rea* and thus for the sake of argument even if allegation is taken to be true, in no circumstance it is a case for the offence under Section 302 of the Indian Penal Code. The genesis of the occurrence is family feud and death of a baby girl is quite unfortunate, however, the petitioner bears fair antecedent and now he has been incarcerated since 07.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that on account of the alleged stone throwing, a child, aged about 1 ½ months has been done to death and the petitioner is obviously responsible for the same.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that a common



allegation has been levelled against two persons, resulting into death of a baby child, aged about 1½ months, however, there is a lack of any intention and *mens rea*, coupled with the fair antecedent and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 514 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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