

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5484 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Chhotu Jha @ Avinash Jha, S/O Bir Bahadur Jha @ Veer Bahadur Jha @ Vir Bahadur Jha, R/O village- Bhatgama, Police Station- Dalsingsarai, District - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mahendra Pratap, Advocate.
For the State : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Dalsinghsarai P.S. Case No. 285 of 2024 dated 16.09.2024 registered for the offences punishable under Sections 126(2), 115(2), 109, 103, 352 and 3(5) of the Bharatiya Nyaya Sanhita read with Section 27 of the Arms Act.

3. As per allegation there was an altercation between the informant and the accused persons including the petitioner in regard to opening of the shop of the informant. Thereafter, the petitioner and other co-accused came to the house of the informant and asked for opening the door. However, on non-opening the door by the informant, the co-accused Shivam



Mahto and Lagnu Mahto are alleged to have fired from the firearms at the door leading to firearm injury to father of the informant Baidyanath Mishra, who ultimately died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the FIR, there is no allegation made against the petitioner of firing. The allegation of firing is against co-accused Shivam Mahto and Lagnu Mahto. He also submits that only on account of previous enmity due to being a co-villager, he has been implicated in this case.

5. He further submits that the petitioner has been languishing in jail since 19.09.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in another case.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Dalsinghsarai, Samastipur, in connection with Dalsinghsarai P.S. Case No. 285 of 2024 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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