

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5221 of 2025

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

Vinit Kumar Jha @ Vinit Jha @ Binit Kumar Jha @ Binit Jha Son of Late
Dev Chandra Jha R/o Vill- Tooth (Teoth), P.S.- Benipatti, District- Madhubani
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, A.P.P.
For the Informant	:	Mr. Pushpendra Kumar Jha, Advocate
		Smt. Divya Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 325, 326, 307, 302 and 120(B) of the Indian Penal Code as
well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner earlier had moved three times before this Court
seeking bail. On two occasions, the prayer for bail was rejected
and on the third occasion the bail application was permitted to
be withdrawn with liberty to the petitioner to file afresh, as
such, the instant bail application has been filed.

4. Learned counsel for the petitioner submits that



petitioner has antecedent of four cases, is in custody since 12.04.2021, charge-sheet has been submitted and charges have been framed.

5. Learned counsel for the petitioner further submits that the informant alleges that on 29.03.2021, at about 01.00 p.m., from a distance of 100-150 meters towards northern direction of the house of Rudra Narayan Das, he heard the sound of firing and *hulla* of people, thus, he ran towards that direction and reached near the house of Rudra Narayan Das from where he saw Musafir Singh, Bhav Narayan Jha and Ghanshyam Jha giving orders to the accused persons to kill upon which petitioner, Navin Jha and Vinit Kumar Jha shot at the nephew of the informant i.e. Rana Pratap Singh, who fell down and thereafter, accused Shiveshwar Bharti @ Ful Babu tore the stomach of Rana Pratap Singh with *bhujali*. It is further alleged that Chandan Jha, Kaushik Singh @ Santosh, Baban Singh, Munna Singh and Jhunna Singh fired indiscriminately with their individual pistol at his nephew, namely, Birendra Singh @ Biru Singh, who was badly injured. It is next alleged that Bhola Singh, Kamlesh Singh, Manoj Jha, Surjeet Kumar Singh and Vivek Kumar Singh @ Vimlesh Kumar Singh @ Vimlesh Singh fired individually on his nephew, namely, Ran



Vijay Singh and also assaulted him with iron pipe on account of which he sustained injury and he died at the spot. It is further alleged that Amarjeet Jha, Ashok Singh, Manoj Singh, Umesh Singh and Mukesh Safi fired individually with their pistol on his nephew Amrendra Singh and also assaulted him with an iron pipe on account of which he also sustained injury. Thereafter, it is alleged that Sujay Safi, Prashant Jha, Vishwajeet Kumar, Anant Choudhary and Ankit Jha assaulted his son, namely Manoj Singh with pistol, iron rod and iron pipe on account of which he received injuries. Thereafter, the injured were brought to Benipatti hospital and all were referred to the D.M.C.H. where during treatment Biru Singh died. Further, it is alleged that two persons had already died at the spot. Thereafter, the informant came to know that other co-accused persons, namely, Rajesh Kumar Jha, Shobha Kant Mehta, Rishikesh Kumar Jha @ Raja, Abhishek Kumar Jha, Devendra Nath Thakur and Sunaina Devi had also assembled at the house of his co-villager Ashok Singh and had planned a conspiracy and thereafter, the occurrence was committed.

6. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegation appears to be inherently



improbable and patently absurd. It is further submitted that it absolutely does not stand to reason that the informant in the FIR alleges that on hearing sound of firing, he rushed towards the place of occurrence and even saw the occurrence being committed by the accused persons. It is next submitted that in the F.I.R., it is alleged that on hearing the firing of gun, he ran about 100-150 meters and thereafter he saw the occurrence. It is, thus, submitted that it is humanly not possible to be so specific in alleging that which accused was carrying which weapon and who assaulted whom and where with such precision as it is difficult to remember all the names when own family members are being assaulted and that too in such a brutal manner.

7. Learned counsel for the petitioner submits that the informant is related to the deceased and he was present at the place of occurrence when such a heinous act was being committed in which five persons died. It is further submitted that it defies all logic, wisdom and reasonable criminal behaviour that when the accused were committing the occurrence and the informant being relative of the deceased was present at the place of occurrence and was witnessing the occurrence with so close range then why the accused persons did not kill him. It is next submitted that by leaving the



informant who was so close to the place of occurrence that definitely amounted to leaving evidence against themselves which no criminal would do. It is submitted that the F.I.R. does even remotely suggest that the informant was witnessing the occurrence from a place which was not visible to the accused persons. It is further submitted that one Manoj Jha along with other named accused is alleged to have assaulted Ran Vijay Singh who also died at the spot but then it is submitted that Manoj Jha was discharged by the learned trial court which amply demonstrates the falsity of the allegation. It is next submitted that petitioner has remained in judicial custody for nearly four years and the trial has commenced and altogether there are 28 prosecution witnesses and out of 28 prosecution witnesses till date only 4 prosecution witnesses have been examined.

8. Learned counsel for the petitioner submits that the allegations are in realm of allegations and the petitioner is in custody for nearly four years. It is further submitted that in the event of acquittal, how the period of incarceration of the petitioner would be compensated but if the petitioner is convicted he will serve the sentence. It is also submitted that the petitioner, if given the privilege of bail, will not abscond rather



will cooperate in the trial to prove his innocence.

9. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant vehemently opposed the prayer for regular bail of the petitioner.

10. Considering the submissions made by the learned counsel for the petitioner and also taking into consideration the period of custody, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Benipatti P.S. Case No. 67 of 2021 arising out of S.T. No. 211 of 2021.

11. One of the bailors of the petitioner shall be his elder brother, namely, Vinod Kumar.

12. It is made clear that if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial in any manner, the learned trial court shall forthwith cancel the bail bonds of the petitioner and shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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