

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27963 of 2025

Arising Out of PS. Case No.-342 Year-2023 Thana- PATAHI District- East Champaran

Vikash Jha @ Kaliya Son Of Subodh Jha @ Subhash Jha Resident Of Village
-Bathnaha PS -Bathnaha District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Patahi P.S. Case No. 342 of 2023 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. As per prosecution case, co-accused persons shot dead the brother of the informant. During investigation the name of the petitioner came up for also being involved in this occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is not named in the FIR which is specific against



two co-accused persons. However, a number of persons were made accused purportedly on the basis of confessional statement of co-accused Ram Pravesh Ray. There is no material against this petitioner for participating in the offence as alleged. Except for confessional statement of the co-accused, nothing has come up against the petitioner during investigation. The petitioner has been continuing in the judicial custody since 2019 and he was in judicial custody when the present occurrence stated to have taken place. Learned counsel further submits that though the petitioner is having antecedent of 23 cases, in most of the cases the petitioner was not named and has been made accused by the police in his highhandedness. The petitioner is in custody since 05.02.2025 and charge sheet has been submitted. Learned counsel further submits that co-accused Ram Pravesh Ray, in whose confessional statement the name of the petitioner has come up for being involved in the present case, has been granted bail by a Co-ordinate Bench vide order dated 19.04.2024 passed in Cr. Misc. No. 30206 of 2024. Some of the co-accused persons have been granted anticipatory bail by the same Bench vide order dated 09.08.2024 passed in Cr. Misc. Nos. 38847 of 2024 and 39742 of 2024. Another co-accused Munna Kumar Yadav has been granted bail vide order dated 02.04.2024 passed in Cr.



Misc. No. 20305 of 2024 by the same Co-ordinate Bench.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is a veteran criminal and is a habitual offender having long criminal history.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not named in the FIR and his name came up in the confessional statement of co-accused who has been granted bail and further considering the submission of charge sheet against the petitioner, 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 Chief Judicial Magistrate, East Champaran, Motihari/concerned Court in connection with Patahi P.S. Case No. 342 of 2023, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also 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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