

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32761 of 2025

Arising Out of PS. Case No.-685 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Ashutosh Kumar Jha son of Late Brajkishor Jha Resident of village - Shahpur
Pagda, Ps- Dalsinghsarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Saharsa Sadar P.S. Case No. 685 of 2024 instituted for the
offences under Sections 310(4), 310(5), 319(2), 318(4), 337,
338, 336(3), 111(3) of Bharatiya Nyaya Sanhita and Section
25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is that they are
indulged in continuing unlawful activity of organized crime and
had assembled in Second Wife Restaurant and Marriage Hall in
order to commit robbery or dacoity armed with deadly weapons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The alleged recovery of the one country made pistol and one cartridge have been made from the possession of the petitioner. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents and is languishing in judicial custody since 10.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case. Other co-accused has been granted bail by this Court vide order dated 22-11-2024, passed in Cr. Misc. No. 69110 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. It is submitted that petitioner is a member of Vikash Jha's gang, the king pin of well known inter-state gold robbery gang. The petitioner has also five criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also claim based on parity, let the petitioner, abovenamed, be



released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 685 of 2024. subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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