

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.82559 of 2024**

Arising Out of PS. Case No.-225 Year-2024 Thana- MADHUBANI TOWN District-  
Madhubani

Prakash Jha @ Prakash Kumar Jha, aged about 38 years, Male, S/O Bhola  
Jha, Resident of Village- Tharhi, P. S- Andhara Tharhi, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Rajendra Prasad Sah, Advocate  
For the Informant : Mrs. Vaishnavi Singh, Advocate  
For the Opposite Party : Mr. Jagdhar Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

3      24-03-2025                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection  
with Madhubani (Town) P.S. Case No. 225 of 2024 instituted for  
the offences under Sections 302 and 120(B) of the I.P.C. and  
Section 27 of the Arms Act.

3. The case of the prosecution is that on 30.05.2024 at  
about 19.53 hours, while the informant was cooking food at her  
house, she heard the sound of firing when she came out from  
her house, she found that her husband has received gun shot



injury and was in a pool of blood. She took her husband to the hospital with the help of the neighbourers where her husband was declared dead. It has further been alleged by the informant that her husband was working in 'Maharani Honda Agency' from last ten years as an Accountant. Her husband has told her two-three days prior to the occurrence that one of his colleagues Raj Kamal Thakur has defalcated Rs. 1,80,000/- of the company regarding which he had knowledge and told him not to disclose it to the owner. He has promised to give share in that defalcated money but when the husband of the informant denied, the co-accused Raj Kumal Thakur, has threatened him of dire consequences. The informant believes that her husband was killed by the co-accused, Raj Kamal Thakur, by hatching a conspiracy.

4. It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. It has further been submitted that the petitioner is neither named in the F.I.R. nor he has any connection with the deceased nor with the co-accused Raj Kamal Thakur against whom the informant has raised suspicion. The deceased and the co-accused Raj Kamal Thakur were working in 'Maharani Honda Agency' since many years and 'Maharani Honda



Agency' has not supported the embezzlement of Rs. 1,80,000/- and the petitioner does not come anywhere in the triangle. There is no eye witness to the alleged offence. It is further submitted that during the course of investigation, the co-accused, Raj Kamal Thakur, was apprehended from his house and the name of the petitioner has surfaced on the basis of his confessional statement. The doctor has opined cause of death due to gun shot injury. No incriminating article has been recovered from the possession of the petitioner. The informant has not stated any motive for the alleged offence rather the same has been alleged only against the co-accused, Raj Kamal Thakur. The petitioner happens to be the co-villager of the co-accused, Rajan Kumar Jha, and due to village party politics and family dispute, at his instance, the petitioner has falsely been implicated in the present case. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 01.06.2024 in this case.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant has further submitted that the co-accused, Raj Kamal Thakur, in his confessional statement has confessed his guilt and has also



stated that he has defalcated Rs. 1,80,000/- of the company which was in the knowledge of the deceased and was pressuring him to deposit the sum that is why he alongwith his associates, namely, Prakash Kumar, Raju Kumar Prasad, Rajan Kumar Jha and Prakash Kumar Jha (petitioner) killed the deceased. The police also arrested them from the rented house of the co-accused, Prakash Kumar, and on the basis of the confessional statement of the co-accused, Raj Kamal Thakur, and on his identification, police recovered weapon of assault from the possession of Prakash Kumar Jha (petitioner), from the rented house of the co-accused Prakash Kumar. It is further submitted that prayer for bail of the other co-accused persons, namely, Raj Kamal Thakur and Rajan Kumar Jha, have already been rejected by another Co-ordinate Bench of this Court vide Cr. Misc. No. 64589 of 2024 with Cr. Misc. No. 68809 of 2024 under order dated 24.01.2025 with a liberty to renew their prayer for bail after six months if the trial does not conclude.

6. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned counsel for the informant, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Madhubani (Town) P.S. CaseNo. 225 of 2024, pending in



the court of learned Chief Judicial Magistrate, Madhubani.

7. The application stands rejected.

**(Chandra Prakash Singh, J)**

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