

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82529 of 2024

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

Naveen Jha @ Naveen Kumar Jha son of Ghanshyam Jha village- Gaiwipur,
Ps- Benipatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-01-2025 1. Heard learned counsel for the petitioner, Mr. Subhash Kumar Jha and the learned APP for the State, Mr. Chandra Bhushan Prasad.
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 read with Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases. It is further submitted that Vivek Kumar Singh @ Vimlesh Kumar Singh @ Vimlesh Singh along with Surjeet Kumar Singh @ Sujeet Singh had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 51745 of 2021. It is next



submitted that Criminal Miscellaneous No. 51745 of 2021 was heard along with other analogues cases i.e. Criminal Miscellaneous No. 51745 of 2021, Criminal Miscellaneous No. 52278 of 2021 and Criminal Miscellaneous No. 72547 of 2021 and the petitioners were granted the privilege of anticipatory bail. The learned counsel next submits that while considering the cases of the petitioners of the aforesaid criminal miscellaneous cases, the Court had considered the case on merits and in detail. It is also submitted that in those cases, the learned counsel appearing on behalf of the informant had also appeared and the case was vehemently opposed, but still the privilege of anticipatory bail was granted despite the fact that five murders had taken place.

4. The learned counsel for the petitioner next submits that petitioner is also an accused in the case.

5. The learned counsel for the petitioner next submits that the informant alleges that on 29.03.2021 at about 1.00 P.M. from a distance of 100-150 meters towards northern direction of the house of Rudra Narayan Das, he heard 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 Praveen Jha, Navin Jha (petitioner) and Vinit Kumar Jha shot at his nephew, Rana Pratap Singh, who fell down and thereafter, accused Shiveshwar Bharti @ Phul Babu tore the stomach of Rana Pratap Singh with *bhujali*. It is next alleged that Chandan Jha, Kaushik Singh, 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, further Bhola Singh, Kamlesh Singh, Manoj Jha, Surjeet Singh and Vivek Kumar Singh @ Vimlesh Kumar Singh @ Vimlesh Singh fired individually upon his nephew namely, Ranvijay Singh and also assaulted him with iron pipe on account of which, he sustained injury and he died on the spot. It is further alleged that Amarjeet Jha, Ashok Singh, Manoj Singh, Umesh Singh and Mukesh Safi fired individually with their pistols on his nephew Amrendra Singh and also assaulted him with an iron pipe on account of which, he also sustained injury, thereafter, 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, it is next 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 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. The learned counsel for the petitioner submits that the petitioners of the aforesaid criminal miscellaneous cases were granted the privilege of anticipatory bail on the ground that it was not possible for the informant to allege with such precision and certainty that as to who fired at whom, who was carrying what weapon and who assaulted whom when it is alleged that the victim were family members of the informant who were being assaulted in such a brutal manner.

7. Learned counsel for the petitioner further submits that petitioner is in custody since 26.11.2022 and the charges were framed against the petitioner on 14.03.2024 and there are 28 prosecution witnesses and out of 28 prosecution



witnesses, till date, only three prosecution witnesses have been examined and this is the second attempt of the petitioner to seek regular bail.

8. The learned APP for the State, Mr. Chandra Bhushan Prasad, opposes the bail application of the petitioner and submits that five persons were killed, there are 28 prosecution witnesses and the charges have been framed on 14.03.2024, as such trial has commenced and three prosecution witnesses have been examined, the learned APP for the State next submits that in the event if the petitioner is granted the privilege of bail, he may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Benipatti P.S. Case No. 67 of 2021.

10. One of the bailors of the petitioner shall be his



cousin brother namely Ajay Kumar Jha.

11. It is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner, in that event, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith and to take all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

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