

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89514 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- BANKA District- Banka

Ashok Jha Son of Parshuram Jha Resident of Village - Bishanpur, P.S. -
Banka, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha, Advocate Mr.Subhash Kumar Jha, Advocate
For the State	:	Mr.Umeshanand Pandit, Advocate
For the Informant	:	Mr.Ajay Mukherjee, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 16-06-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in connection with Banka
P.S. Case No. 191/2024 registered for the offences under
Section 35 of I.P.C., subsequently Section 302 of I.P.C. was
added.

3. As per the prosecution case, the informant who
happens to be the uncle of the deceased has alleged that his
brother and sister-in-law were away to Kolkata and his nephew
Ashish was staying alone. It has further been alleged that his
nephew was missing and his mobile was found to be switched
off and subsequently, the FIR was lodged.



4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has surfaced in the confessional statement of his son, Golu (co-accused). It has further been submitted by learned counsel that even if the statement of Golu is taken into account, there is nothing specific against the petitioner and there is no attribution with regard to any offence being committed by the petitioner barring the fact that he was present there. The inculpatory statement of Golu has attributed towards the other co-accused persons to have eliminated the nephew of the informant and it has also not been stated that the petitioner had paid any consideration amount. Learned counsel further submits that similarly situated co-accused have been granted bail vide order dated 28.11.2024 by a Co-ordinate Bench of this Court in Cr. Misc. No. 61581/2024 and Cr. Misc. No. 62910/2024. It is lastly submitted that the petitioner has clean antecedent and is in custody since 07.05.2025.

5. Learned APP for the State as well as learned counsel for the informant have jointly opposed the prayer for bail of the petitioner and submit that the name of the petitioner has surfaced in the confessional statement of co-accused who had stated that the petitioner was involved in the commission of



murder of the nephew of the informant. Learned counsel for the informant has stated that the petitioner was conspiring with the other co-accused persons and was even seen in the CCTV footage which was recovered during the course of investigation. Learned counsel further submits that the trial is almost on the verge of completion, hence, the petitioner should not be released on bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account that there is no specific allegation alleged against the petitioner and also the fact that similarly situated co-accused persons have been enlarged on bail and taking into account the period of custody, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Banka P.S. Case No. 191/2024 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to the



cancelled by the court concerned.

d. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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