

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73792 of 2025**

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

Prakash Jha @ Prakash Kumar Jha @ Jai Prakash Kumar Jha, S/O Bhola Jha,
Resident of village -Thadhi, P.S- Andhara Thadhi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. ubhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

4 05-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution, in short, is that 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 received gun shot injury and was in a pool of blood. She took her husband to the hospital with the help of neighbors where husband was declared dead. It is further alleged that her husband was working in Maharani Honda



Agency from last ten years as an Accountant. Her husband was told her 2-3 days prior to the occurrence that one of the colleague, 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 was promised to give share in that defalcated money but when the husband of the informant denied, Raj Kamal Thakur has threatened him of consequences. The informant believes that her husband was killed by tRaj Kamal Thakur by hatching a conspiracy.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. From perusal of the F.I.R., it is clear that the deceased was having enmity with one Raj Kamal Thakur. The informant is not the eye witness of this case. During course of investigation, only on the basis of confessional statement of the petitioner and other co-accused persons, the name of this petitioner has surfaced in this case. It has further been submitted that as per the confessional statement, the role which is attributed against the petitioner is that he has fired from the back. Learned counsel for the petitioner has submitted that from perusal of the postmortem report it will transpire that there is only one entry wound i.e. on



the chest. It has further been submitted that the petitioner and one Raj Kamal Thakur both were apprehended. From a room and from the possession of this petitioner, one country made pistol was recovered. It has further been submitted that main thrust of allegation is against co-accused Raj Kamal Thakur who has already been granted bail by this Court vide order dated 26.09.2025 passed in Cr. Misc.No. 70354 of 2025. The case of the petitioner stands on better footing. Moreover, the petitioner is languishing in judicial custody since 01.06.2024. It has also been submitted that in this case, during trial the informant has been examined as P.W. 6 and from perusal of the evidence of informant it is clear that informant has stated that she came out of her house after hearing the sound of firing and saw that Dheeraj Kumar (deceased) has received gunshot injury. The gunshot injury was near nipple of the left side. She has further stated that Raj Kamal Thakur and others have threatened her, if she will go to hospital, she and her children will be killed. Main thrust of allegation in her examination-in-chief is against co-accused Raj Kamal Thakur. In para 55 of the case diary, this witness has stated that she has seen that part of the occurrence where three persons were fled away after firing. She heard the sound of firing in her room and came out of the room. As she



reached near her husband, she found no one there. It has also been submitted that from the evidence of the informant, it is quite clear that she is not the eye witness.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has submitted that there is allegation against the petitioner is that he has fired at the deceased which has emerged from the confessional statement of the petitioner and co-accused persons.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madhubani Town P.S. Case No. 225 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd, Madhubani **with the condition that petitioner shall cooperate in trial and shall remain physically present on each and every date.**

(Ashok Kumar Pandey, J)

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