

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84228 of 2025

Arising Out of PS. Case No.-49 Year-2024 Thana- PHULPARAS District- Madhubani

Sanjay Kumar Jha Son of Late Braj Kishor Jha, Residence of Mohalla -
Sudai, P.S.- Phulparas, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr. Kedar Jha, Adv.
For the Opposite Party/s	:	Mr. Ramakant Sharma, Sr. Adv. Ms. Renu Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-01-2026 Heard Mr. D.K. Sinha, learned Senior Advocate along with Mr. Kedar Jha, learned Advocate for the petitioner, learned Additional Public Prosecutor for the State as well as Mr. Ramakant Sharma, learned Senior Advocate with Ms. Renu Jha, learned Advocate for the informant.

2. This is the second attempt made on behalf of the petitioner, as earlier the prayer for bail of the petitioner was turned down by this Court vide order dated 04.10.2024 in Cr. Misc. No. 70869 of 2024, taking note of the specific accusation against the petitioner of causing indiscriminate firing, leading to instantaneous death of two persons and firearm injuries to other three persons.

3. Learned Senior Advocate for the petitioner fairly



contended that since the prayer of the petitioner was earlier rejected on merit, and as such he is not making any submission touching the merit of the case. However, this fact cannot be ignored that the petitioner has been incarcerated since 08.02.2024, and till date out of 19 witnesses only six witnesses have been examined. Whatever the occurrence which took place, that was on a heat of rage and the death of the deceased was unfortunate but enmity between the parties may be a good reason for false implication of the petitioner. Moreover, there are various other discrepancies in the lodging of the FIR and the investigation. It has also been submitted that the very object of the bail is neither punitive nor preventive, and the deprivation of liberty must be considered as a punishment unless it can be required to ensure that the accused person will stand his trial when called upon.

4. On the other hand, Mr. Ramakant Sharma, the learned Senior Advocate for the informant and the learned APP for the State vehemently opposed the bail application and submitted that this is a case which is glaring in the nature where the petitioner has caused indiscriminate firing resulting into instantaneous death of two persons and bullet injuries to three other persons. Thus, in no circumstances, the petitioner deserve



to be enlarged on bail. The trial is in progress and it will be concluded in its due course.

5. Having considered the submissions advanced by the learned Senior Advocates for the petitioner as well as the informant and also the learned APP for the State and taking note of the specific accusation of firing against the petitioner, which proved fatal for two persons and caused severe bullet injuries to three other persons, this Court is not acceded to the prayer for bail of the petitioner. Accordingly, his prayer is rejected.

6. However, it is expected that the learned Trial Court shall take all endeavours to expedite the trial and conclude the same as early as possible.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

