

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86628 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- Benta District- Darbhanga

Prem Shankar Jha S/o- Late Kedar Nath Jha Resident of village- Banagaon
P.S- Banagaon District- Saharsha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Maurya Vijay Chandra, Adv. Mr. Gaurav Govinda, Adv. Ms. Preety Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-04-2026 1. Heard learned Senior counsel for the petitioner,
learned A.P.P. for the State and the learned counsel appearing on
behalf of the informant.

2. The petitioner seeks bail in connection with Benta P.S. Case No.133/2025, registered for the offences punishable under Sections 103, 61, 3(5) of the B.N.S., 2023 and Sections 25(1-b)a, 26 and 27 of the Arms Act.

3. Learned Senior counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he received an information on 05.08.2025 at 5.30 P.M. that his son Rahul was shot at DMCH gate, further his son was shot by Prem Shankar Jha (petitioner), father of



Tanu Priya, accordingly he came to the place of occurrence and came to know that Prem Shankar Jha (petitioner) along with his son Ashwani, Avinash and wife Gunjan Kumari had come, next alleges that his son about two months back had performed love marriage with Tanu Priya, daughter of Prem Shankar Jha (petitioner), as they were studying in first year of nursing at B.Sc. Nursing College, next alleges that Prem Shankar Jha (petitioner) had threatened earlier to kill and had also filed a case at Banagaon P.S. and statement of Tanu Priya was recorded in the Court, thereafter Tanu Priya came at informant's place.

4. Learned Senior counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence. It is next submitted that the allegations are in two parts, in the first part, the informant alleges that on 05.08.2025 at 5.30 P.M. he received an information that his son was killed by Prem Shankar Jha (petitioner), thereafter he came to the place of occurrence and there he came to know that Prem Shankar Jha (petitioner) was accompanied by his sons and wife but then it is submitted that the FIR does not even remotely discloses that who informed the informant about the presence of the petitioner at the place of occurrence. It is next submitted



that son of the informant had married the daughter of Prem Shankar Jha (petitioner) and the marriage was being opposed by the family members of Tanu Priya as such Prem Shankar Jha (petitioner) had instituted a criminal case also but then Tanu Priya did not support the case of the prosecution and being a major came to the house of the informant. It is further submitted that since tension was brewing in between the family on account of marriage in between son of the informant and daughter of Prem Shankar Jha (petitioner), as such the petitioner came to be implicated in the instant case. Learned Senior counsel next submits that from perusal of the FIR, it would manifest that the same is dated 06.08.2025. It is next submitted that the occurrence was committed at 5.30 P.M. on 05.08.2025 and the petitioner was arrested on 05.08.2025 at 5.40 P.M. itself but then the petitioner was not produced before the learned Magistrate within 24 hours. It is next submitted that the FIR was sent to the learned trial court on 07.08.2025 and charge sheet came to be submitted on 11.08.2025 and from perusal of the charge sheet, it would manifest that the same records that the petitioner was arrested on 11.08.2025 and thereafter was produced before the learned trial court on 12.08.2025.

5. At this stage, the learned counsel appearing on



behalf of the informant submits that raising these issues the petitioner had moved before this Court by filing Cr. WJC No.240/2026 but then the said writ application was dismissed by an order dated 11.02.2026. Learned counsel appearing on behalf of the informant submits that no doubt there is some lacuna but then the lacuna cannot be seen at the stage of bail when the informant specifically alleges that he had information that petitioner killed his son. It is also submitted that since daughter of the petitioner had married the son of the informant, hence tension was brewing and earlier petitioner had also instituted a criminal case but then his daughter did not support the case of the prosecution and came back to the family of the informant as she intended to lead a peaceful conjugal life with the son of the informant. It is also submitted that these facts also goes on to show that petitioner was harbouring a motive against the son of the informant. It is next submitted that why a father would try to implicate someone who was not involved in the occurrence of killing his son. It is submitted that every endeavour of a father would be to ensure that the person who is guilty of committing the murder of his son is not spared. It is also submitted that till date charges have not been framed.

6. After hearing the learned counsel for the parties, the



Court is not inclined to release the petitioner on bail.

7. The regular bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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