

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19997 of 2026

Arising Out of PS. Case No.-119 Year-2024 Thana- BENIPATTI District- Madhubani

Harsh Narayan Jha Son of Late Dharmdatt Jha Resident of Village -
Damodrapur, P.S. - Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mohd. Javed @ Barababoo Son of Abdul Khalid R/o Village - Ranipur, P.S.
- Benipatti, Dist. - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Jha, Advocate Mr. Rajnish Kumar, Advocate
For the Opposite Party/s	:	Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-05-2026 Heard the matter in Hybrid Mode.

2. Mr. Rajnish Kumar, learned counsel joined the
proceeding in virtual mode on behalf of the petitioner.

3. Learned counsel appearing on behalf of the
petitioner submitted that the present application has been filed
under section 483(3) of the BNSS for cancellation of bail
granted to Opposite Party No. 2 in connection with Benipatti
P.S. Case No. 119 of 2024 registered under Sections 302/34 of
the Indian Penal Code, relating to the brutal murder of the
petitioner's son, namely Munna Jha. He further submitted that
the petitioner's son was taken away by the accused persons and
thereafter brutally assaulted and murdered in furtherance of their



common intention, thereafter his body was thrown beneath the Bachhraha river bridge with an intention to conceal the offence. Learned counsel submitted that Opposite Party No. 2 is specifically named in the F.I.R. with attributed overt acts and the postmortem report corroborates the prosecution case by disclosing multiple ante-mortem injuries caused by hard and blunt substance resulting in haemorrhage and shock. He further submitted that while granting bail, the learned Sessions Judge erroneously recorded that Opposite Party No. 2 was not named in the F.I.R., though a bare perusal thereof would demonstrate otherwise, and such factual misstatement materially affected the exercise of judicial discretion while granting bail. Learned counsel further submitted that despite the specific direction issued by this Court in Cr. Misc. No. 2918 of 2025 for verification of criminal antecedents, the learned court below failed to properly consider the antecedents of Opposite Party No. 2. Opposite Party No. 2 is a habitual offender having involvement in several serious criminal cases including robbery, illegal possession of arms and excise offences, and at least four criminal cases pending against him were deliberately concealed while seeking bail. On these grounds, learned counsel submitted that the impugned order granting bail is fit to be set aside and



the bail granted to Opposite Party No. 2 be cancelled.

4. Upon perusal of the materials available on record, it appears that the specific allegation of committing assault resulting in death is primarily attributed against co-accused Sonu Jha. It further appears that while passing order in Cr. Misc. No. 2918 of 2025, this Court had taken into consideration the period of custody of Opposite Party No. 2, as well as, the nature of allegations while enlarging him on bail. However, serious allegations have now been raised regarding suppression of criminal antecedents and threat perception to the petitioner, who is the father of the deceased. In such circumstances, this Court deems it proper to direct the Superintendent of Police, Madhubani to furnish a detailed report, as to whether, after release on bail, Opposite Party No. 2 has committed any other offence and also to provide details of all criminal cases in which Opposite Party No. 2 has been made accused along with the final outcome/status of such cases. The Superintendent of Police, Madhubani shall also verify the allegation made on behalf of the petitioner regarding threat perception and, if found true, shall ensure adequate protection to the petitioner and his family members.

5. The Superintendent of Police, Madhubani is



directed to file an affidavit/report before the learned District Court in respect of the aforesaid information. The learned District Court shall also submit a report explaining as to why the trial is still at a very initial stage.

6. Re-notify on 19.06.2026 among the top ten cases.

(Purnendu Singh, J)

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