

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35594 of 2015

Arising Out of PS.Case No. -229 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

1. Shankar Sharma @ Shankar Singh @ Ram Shankar Sharma son of Late Ramdeo Sharma, resident of village- Nandpur, P.S. Suryagarha, District- Lakhisarai..... Petitioner

Versus

1. The State of Bihar Opposite Party

with

Criminal Miscellaneous No.28959 of 2015

Arising Out of PS.Case No. -229 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

1. Bam Bam Singh @ Birendra Kumar Singh son of Rameshwar Singh, resident of village- Nandpur, P.S.- Suryagarha, District- Lakhisarai

.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

(In Cr.Misc. No.35594 of 2015)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. R. V. Pd. Singh, Advocate

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

(In Cr.Misc. No.28959 of 2015)

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 24-11-2015 Above noted both the applications have arisen out of one occurrence i.e. Suryagarha P.S. Case No. 229 of 2014 registered under Sections 364, 302, 201/34 of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.

Allegedly, the petitioners and other co-accused were assaulting the husband of the informant with lathi and butt of gun



and rifle and co-accused Pinki Devi was instigating to assault more and four unknown miscreants armed with rifle and gun have surrounded the husband of the informant and thereafter, they took away the husband of the informant on boat. The son and brother-in-law (bhaisur) saw the dead body of the husband of the informant in field but when the Police came the dead body was made traceless and it was not found. The motive behind the occurrence is alleged that co-accused Bipin Sharma and the petitioner Shankar Sharma were pressurizing the husband of the informant to confess guilt in killing of the wife of Bholu Sharma.

Submission is of false implication and that due to enmity the petitioners have been implicated, there is no specific allegation against them, the allegations are omnibus and general in nature, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and the alleged confession has got no evidentiary value. The petitioners are in custody since 06.01.2015 and 13.11.2014 respectively.

Learned APP opposes the prayer of bail by submitting that the informant and witnesses have supported the allegation against the petitioners that they were also assaulting the deceased and further there is confession and petitioner Shankar Sharma has got criminal antecedent as he is involved in 7 more case.

In the facts and circumstances stated above, considering that there is general and omnibus allegation, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and further considering the period of detention, the petitioners above named of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha P.S. Case No. 229 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

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