

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29269 of 2015**

Arising Out of PS.Case No. -59 Year- 2008 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Baijnath Sharma @ Vaidyanath Sharma S/o maniyar Sharma Resident of  
Village Murautpur, P.S. Mahnar (Desari), District Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN**  
**SHARMA**  
ORAL ORDER

3      29-10-2015      Heard the learned counsel for the petitioner as well as  
the learned A.P.P.

The petitioner seeks bail in a case for the offences  
punishable under sections 302/34 of the I.P.C

Allegedly, Mani Shankar Sharma, brother of the  
informant, was done to death by his wife and other in-laws  
including the petitioner by pressing his mouth and nose.

Submission is of false implication and that in this  
case the wife, father-in-law and mother-in-law have already  
allowed pre-arrest bail by another coordinate Bench of this Court  
vide Cr. Misc. No. 30817 of 2009 by order dated 30.03.2010 and  
as the petitioner was out side of the State he did not get that  
privilege and as soon as he came he was arrested resulting he is

suffering in custody since 17.09.2014. The postmortem report and the F.S.L. report do not support the prosecution version as no external injury has been found on the person of the deceased.

The learned A.P.P. fairly submits that in the postmortem report no external injury has been found and in F.S.L. report no poisonous substance has been detected.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Niharika, J.M. 1<sup>st</sup> Class, Vaishali at Hajipur in Desari P.S. Case No. 59 of 2008, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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