

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52712 of 2015

Arising Out of PS.Case No. -294 Year- 2014 Thana -TEKARI District- GAYA

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1. Uday Shankar Sharma @ Uday Sharma @ Uday Giri S/o - Late Kripa Singh
2. Satyendra Sharma S/o - Kapildeo Singh
Both are residents of Village - Pura, P.S. - Tekari, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 13-01-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Tekari P.S. Case No. 294 of 2014 registered for the offences punishable under Sections 147,148,149,341,323,325,307,302/504 of the Indian Penal Code and Sections 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the petitioner and other co-accused killed the father of the informant due to PACS election rivalry and allegedly the petitioner and other accused persons brutally assaulted the father of the informant with the butt of katta hard and blunt object and further co-accused Rishi Sharma pressed the chest after climbing on his chest causing his death.



Submission is of false implication due to village politics, the petitioner no.1 Uday Shankar Sharma has contested the PACS election and he was elected as the Chairman of Pura PACS but due to his incarceration in jail, he could not receive the certificate, there is general and omnibus allegation, the petitioner no. 1 is alleged to have assaulted by butt portion of katta which resulted into injury below the eye of said Ramjanam Manjhi and the petitioners are suffering in custody since 26.09.2014 having no criminal antecedents, whereas, co-accused Chhote Sharma @ Chhotu Sharma @ Gautam has been allowed bail in Cri. Misc. No. 43803 of 2015 vide order dated 01.12.2015 and up till now no prosecution witness has been examined and in near future the trial is not likely to be concluded in spite of the direction of this court passed in Cri. Misc. No. 6353 of 2015.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioners and others brutally assaulted the father of the informant causing his death and prayer of bail of co-accused Niraj Kumar @ Laddu in Cri. Misc. No. 6353 of 2015 and Rishi Sharma in Cr. Misc. No. 7331 of 2015 vide order dated 15.04.2015 were rejected but fairly submits that up till now no prosecution witness has been examined though there was direction to conclude the trial within

nine months.

In facts and circumstances stated above, considering that there is general and omnibus allegation and further considering the period of detention of the petitioners and in near future the trial is not likely to be concluded, the petitioners above named 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 the learned Judicial Magistrate Ist Class, Gaya in connection with Tekari P.S. Case No. 294 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.

avin/-

(Jitendra Mohan Sharma, J)

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