

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22761 of 2016**

Arising Out of PS.Case No. -443 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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Bittu Sharma, Son of Laldeo Sharma, resident of Village Simri Bakhtiarapur,  
Sharma Chowk, P.S. Bakhtiyarpur, District - Saharsa.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party : Mr. Pushpa Sinha 2(APP)

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

3      12-07-2016                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. representing the State.

The petitioner seeks bail in connection with  
  
Bakhtiarpur P.S Case No. 443 of 2015 registered for the offences  
  
punishable under Sections 363, 364, 367, 368, 120(B), 323, 504  
  
and 506 of the Indian Penal Code.

The case has been registered on the basis of  
  
complaint petition with allegation that the petitioner took away the  
  
husband of the complainant/informant at Himachal Pradesh to  
  
provide him job but thereafter no trace of the husband of the  
  
informant was found and it appears that the petitioner and other  
  
co-accessed might have sold his kidney and have killed him.

Submission is of false implication and that the



complaint case has been filed after much delay, the petitioner has been made victim of village politics, the father of the petitioner has been granted regular bail by the learned court below itself, the petitioner voluntarily surrendered on 08.02.2016 and since then he is in custody, no fruitful purpose is going to be served by keeping the petitioner in custody. During investigation, it has come that the husband of the complainant/informant was habitual drunker and in drunken condition he went away, resulting the informant has lodged this false case. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail and submits that the main allegation is against the petitioner and not against his father.

In the facts and circumstances stated above, considering the detention of the petitioner and further there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa arising out of Bakhtiarpur P.S. Case No. 443 of 2015, subject to the conditions that one of the bailors must be 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.)**

Rajiv/-

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