

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51863 of 2016

Arising Out of PS.Case No. -57 Year- 2014 Thana -PURAINI District- MADHEPURA

Babloo Sharma, son of Dinesh Sharma, resident of Village Aurai, P.S. Puraini, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.1577 of 2017

Arising Out of PS.Case No. -57 Year- 2014 Thana -PURAINI District- MADHEPURA

Bhan Sharma @ Bhana @ Bhashan Sharma, son of Bilash Sharma, resident of Village - Auray, P.S. - Puraini, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51863 of 2016)

For the Petitioner/s : Mr. Praveen Kumar Agrawal-Advocate

For the Opposite Party/s : Mr. Smt. Sucheta Yadav-A.P.P.

(In Cr.Misc. No.1577 of 2017)

For the Petitioner/s : Miss. Kanchan Jha-Advocate

For the Opposite Party/s : Mr. Sri Harendra Prasad-A.P.P.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 16-02-2017 Cr. Misc. No.51863 of 2016 wherein Babloo Sharma

is the petitioner as well as Cr. Misc. No.1577 of 2017 wherein

Bhan Sharma @ Bhana @ Bhashan Sharma is the petitioner

commonly originate out of Puraini P. S. Case No.57 of 2014, on

account thereof, have been heard together and are being disposed

of by a common order.



Heard learned counsel for the petitioners as well as learned Additional Public Prosecutors.

Informant, Gopal Sharma, who happens to be brother of deceased Lal Sharma, was informed by one of the petitioners Bhan Sharma @ Bhana @ Bhashan Sharma that during course of ploughing his field by tractor, two miscreants shot at his brother Lal Sharma and then thereafter, both miscreants escaped towards village-Tirasi whereupon instant case has been registered against two unknown. During course of investigation, at an early stage, petitioner, Bhan Sharma @ Bhana @ Bhashan Sharma was examined as a witness under Para-6 of the case diary, but subsequently as is evident, prosecution had suspected his conduct in the background of some sort of dispute over elopement of a girl and for that, a Panchayati was convened. Furthermore, though none of the witnesses have claimed to be an eye witness to occurrence, but while they were going towards place of occurrence, met with petitioner Babloo Sharma as well as Gauri Sharma, who on query disclosed that nothing had happened in the *Badhar*, however, those two materials are not at all sufficient to allow both the petitioners to remain under custody.

Accordingly, petitioners, **Babloo Sharma** and **Bhan Sharma @ Bhana @ Bhashan Sharma** are directed to be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Uda-Kishanganj, Madhepura in connection with Puraini P. S. Case No.57 of 2014.

(Aditya Kumar Trivedi, J)

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