

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9588 of 2017

Arising Out of PS.Case No. -442 Year- 2015 Thana -NARPATGANJ District- ARRARIA

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1. Billu Sharma @ Pankaj Sharma Son of Late Gulay Sharma, Resident of Village- Bibiganj, Police Station- Narpatganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 01.12.2015 in connection with Sessions Trial No. 222 of 2016 arising out of Narpatganj P. S. Case No. 442 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Earlier the petitioner along with other accused persons moved for bail in Cr. Misc. No. 15787 of 2016 and Cr. Misc. No. 16917 of 2016 which was rejected by order dated 25.05.2016.

The prosecution case is that the informant's husband was called by her villager, Brahamdeo Sharma to his house but her



husband did not return within time, then the informant and her family members went to the house of Brahmdeo Sharma and saw that about 10 to 15 persons armed with deadly weapons had killed her husband after tying his legs and hand and after seeing her and others, accused persons started to flee away.

It has been submitted by the learned counsel for the petitioner that he is a sixty year old person and is suffering from kidney failure for which he has been referred to the Sadar Hospital, Araria from the jail which finds place at Annexure-4 to this application. It has further been submitted that there is only one injury on the skull as per post mortem report but as many as 12 persons have been named in the F.I.R. as such, it is not ascertained as to on whose affliction, the death occurred. It has further been submitted that the husband of the informant is a person of bad character and the villagers have beaten him to death and a complaint case No. 3159C of 2015 has been lodged by one Amoliya Devi against the deceased. It is further submitted that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.



Considering the facts and circumstances, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – II, Araria in connection with Sessions Trial No. 222 of 2016 arising out of Narpatganj P. S. Case No. 442 of 2015, subject to the condition that the petitioner is directed to appear before the police/ Court on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

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(Nilu Agrawal, J)

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