

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1463 of 2017

Arising Out of PS.Case No. -26 Year- 2015 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

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Jyoti Lal Sharma Son of late Heera Lal Sharma Resident of Village- Sugaha
Bhawanipur, Police Station- Kangali, District- West Champaran.

... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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

ORAL ORDER

3 10-02-2017

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Kangali P.S.
Case No. 26 of 2015 registered for the offences punishable under
Sections 341, 323, 324, 147, 148, 149, 448, 302, 504 of the Indian
Penal Code.

Allegedly, the FIR named accused persons including the
petitioner assaulted the informant Rajesh Sharma and Dhurandhar
Sharma. When Dhurandhar Sharma fell down on the ground and
Ramashish Sharma and Rambali Sharma came to save but Shyam
Sunder Sharma, Subhash Sharma, Umesh Sharma, Dinesh
Sharma, Paras Sharma, Jay Narayan Sharma, Ashok Sharma, Anoj
Sharma, Singhashan Sharma and others assaulted the informant.
Dhruv Sharma, the uncle of the informant, came to save the



informant then Umesh Sharma, Shyam Sunder Sharma, Anoj Sharma and Sanoj Sharma put him down and pressed his neck, resulting, Dhruv Sharma died.

Submission is of false implication and that there is no allegation against the petitioner for assaulting anyone, post mortem report shows injury on the neck on account of which the deceased died. In this case other co-accused Dinesh Sharma, Bachcha Sharma and Subhash Sharma have already been allowed bail by different orders passed by co-ordinate Benches of this Court and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 03.11.2016 and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP fairly submits that other co-accused have been allowed bail.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Kangali P.S. Case No. 26 of 2015, 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.

avin/-

(Jitendra Mohan Sharma, J)

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