

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43689 of 2017

Arising Out of PS.Case No. -148 Year- 2016 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

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Antesh @ Antesh Kumar Sharma @ Antesh Kumar, son of Achhelal @
Accheya Lal Sharma, Resident of Village- Sawarupur, P.S.- Balia, District-
Balia (U.P.).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 20-09-2017

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Piprakhothi Town Police Station Case No. 148 of 2016 (G.R. No.
4972 of 2016) registered for offences punishable under sections
302 and 120B of the Indian Penal Code.

The prosecution case, as lodged by the brother of the
deceased, Azad Alam, is that his brother was driver of JCB of the
petitioner and had proceeded for driving the JCB from his house
on 30.09.2016. After two days co-accused, Riyaz, another driver
of the JCB, informed the informant that his brother died. The
informant raised suspicion that petitioner and other co-accused



persons are having hand in the alleged murder.

It has been submitted by the learned counsel for the petitioner that he is the owner of the JCB under whom petitioner and other driver worked and they had the driver room where staff slept and that he had no concern with the alleged occurrence. In fact, he had informed the family members of the deceased and also the police and that he has no criminal antecedent. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and there is no eye-witness to the alleged occurrence. It has been further submitted that similarly situated co-accused namely Md. Arman has been allowed bail by one of the co-ordinate Bench of this Court on 26.07.2017 in Cr. Misc. No. 27373 of 2017 and so this petitioner also deserves bail. However, learned A.P.P. for the State submits that the informant's brother was hanged in the driver room of the house belonging to the petitioner and so he does not deserve bail.

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, East Champaran at



Motihari in connection with Piprakothi P.S. Case No. 148 of 2016,
subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

Mahesh/-

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