

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51378 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -NAUGACHIA District- BHAGALPUR

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Kishore Sharma S/o Saryug Sharma, R/o Village- Tetari, P.S.-
Naugachia, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 30.06.2017 in connection with Sessions Trial No. 783 of 2017 arising out of Naugachia P.S. Case No. 103 of 2017 for the offences alleged under Sections 302, 120B/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and even according to the informant who claims to be an eye witness, the assault upon the deceased was made by co-accused Kundan Kumar Sharma and Babloo Kumar Sharma. No specific accusation of assault has been attributed to the petitioner. It is further submitted that the occurrence transpired in the backdrop of petty dispute between the parties who are family members. Similarly situated co-accused Rambilash Sharma and Rajesh Sharma have been granted bail by the learned 1st Additional District and Sessions Judge, Naugachia in Bail Application No. 208 of 2017. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of



the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge, Naugachia, District- Bhagalpur, in connection with Sessions Trial No. 783 of 2017 arising out of Naugachia P.S. Case No. 103 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/-

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