

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27484 of 2017

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

=====

1. Brahmdeo Sharma @ Brhamdeo Sharma Son of Late Sahdeo Sharma.
2. Hari Lal Sharma, Son of Late Sahdeo Sharma, Both are residents of
Village- Bibiganj, Police Station- Narpatganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-06-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners are languishing in jail custody since
05.01.2016 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.

The prosecution case, as lodged by the informant,
who is the wife of the deceased, is that petitioner no.1, Brahmdeo
Sharma took her husband to his house. Her husband had told that
he would return within ten minutes. It is further alleged that when
her husband did not return for half an hour, she and her family
members went to the house of Brahmdeo Sharma where she saw



that about 10-15 persons armed with deadly weapons, killed her husband after tying his legs and hands and having seen her, accused persons started to flee away. She claimed to have identified 12 persons in torch light.

It has been submitted by the counsel for the petitioners that they are innocent, have no criminal history and have been falsely implicated on the basis of suspicion. It is also submitted that there is general and omnibus allegation against 10-15 persons and only two injuries have been found in the postmortem report, which cannot be attributable only to the petitioners. He submits that there is land dispute between one of the accused, Shyamdeo Sharma and the petitioners and the deceased was a person of bad character and Complaint Case No. 3159C of 2015 had been lodged by Amoliya Devi and the villagers must have beaten him to death. However, bail application moved by petitioners and others had been rejected by this Court by order dated 25.05.2016 passed in Cr. Misc. No. 15787 of 2016 and Cr. Misc. No. 16917 of 2016. It has further been submitted that two of the accused persons have since been granted the privilege of bail by this Court in Cr. Misc. No. 20507 of 2017 on 03.05.2017 and Cr. Misc. No. 9588 of 2017 on 01.03.2017. He further submits that charge-sheet has already been submitted,



hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and witnesses have supported the prosecution case, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) each 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 petitioners will appear during trial before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

