

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2176 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -SAHKUND District- BHAGALPUR

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Dhananjay Sharma @ Dhanjay Sharma son of Dhiro Sharma @ Dhirendra Sharma resident of village- Diwakar Kita, P.S. Shahkund, District- Bhagalpur.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Nurul Hoda

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 07-11-2017 Heard the parties.

The appellant seeks regular bail in Sahkund P.S. Case No.2 of 2017 registered for the offence under Section 302,201, 34 of the I.P.C. and Section 3(ii)(v) of SC/ST(POA) Act.

Prosecution case is that son of the informant had love affair with the wife of one Vijay Sharma, for that they had fled away and after some time both returned to home and, thereafter, accused persons came to the house of informant and abused her and assaulted her and threatened to kill her son, thereafter, due to fear she sent her son to his Nanihal and 5.01.2017, she received information that son was lying dead in pachrukhi and suspected that accused persons have killed her son.

Submission of the learned counsel for the appellant is that out and out false and fabricated case has been lodged by the



informant against this appellant and he is no way related to any of the family members and he is outsider. It has also been submitted that at best allegation can be made that he was informing the accused persons about the movement of the deceased. Further he has been in judicial custody since 7.01.2017.

Heard learned A.P.P. also who opposed the prayer for bail and submitted that along with others, there is allegation against this appellant also of taking away the deceased and of assault to him due to which he died.

Having heard both sides, in view of the above facts and also the fact that appellant is no way concerned with the family members of the girl, as such, this appeal is allowed and impugned order is set aside. Let the appellant, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of 2nd Additional District & Sessions Judge-cum- Special Jjudge, SC/ST, Bhagalpur, in Shakund P.S.Case No.02 of 2017 subject to the conditions that (1) one of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court. (2) The appellant will not induce any witness or tamper with the evidence. (3) The appellant shall co-operate in disposal of trial and make himself available as and when required



by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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