

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12201 of 2018

Arising Out of PS.Case No. -99 Year- 2017 Thana -MADHUBANI TOWN District- MADHUBANI
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1. Dukhaharan Sharma @ Dukhanan Sharma, S/o Sukhdeo Sharma,
2. Manish Kumar Sharma S/o Dukhaharan Sharma,
Both are R/o Village- Basuara, P.S.- Madhubani Town, District-
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv

For the Opposite Party/s : Mr. Narsingh Tanti, APP
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 16-03-2018 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners are in custody since 09.10.2017 in connection with Madhubani Town P.S. Case No. 99 of 2017 (S. Tr. No. 408/2017) for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated owing to some family dispute as the petitioners are the own brother and nephew respectively of the deceased. There is no accusation of assault attributed to the petitioner no. 1. The accusation of assault by the petitioner no. 2 on the head of the informant's father is completely false as evident from the informant's own petition dated 08.06.2017 filed before the learned Chief Judicial Magistrate, Madhubani stating that the deceased has sustained head injury owing to fall on tube well. The petitioners claim clean antecedents.

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



and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI, Madhubani in connection with Madhubani Town P.S. Case No. 99 of 2017 (S. Tr. No. 408/2017) on the following conditions:-

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

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

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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