

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41435 of 2018

Arising Out of PS.Case No. -592 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Hari Lal Sharma son of Late Changain Sharma resident of village
Morkahi Ward No. 8, PO - Sulindabad, PS & District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in judicial custody since
12.06.2017, in connection with Saharsa P.S. Case No. 592/2017
for offences alleged under Sections 302, 201, and 120(B) of the
Indian Penal Code.

The prosecution case, as alleged by the
informant, is that his elder brother Binod Sharma (deceased) went
for work on 06.06.2017 and on 11.06.2017, he received
information from the police that an unidentified dead body is
lying in the premises of Sadar Hospital, Saharsa. The petitioner
identified the body as of his elder brother. It is alleged that the
petitioner along with other co-accused must have killed him and



brought the dead body in the Sadar Hospital, Saharsa.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case because of land dispute. He submits that there is no eye witness to the alleged occurrence. Other co-accused have already been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. Nos. 2020 of 2018 dated 16.01.2018, 23747 of 2018 dated 17.05.2018 and 10623 of 2018 dated 20.06.2018 on similar allegation. He further submits that only on suspicion the petitioner has been made accused in this case and charge sheet has already been submitted.

Learned APP for the State, however, opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as three cases are pending against him.

Considering the aforesaid facts and the materials on record and that other co-accused have already been granted the privilege of bail on similar allegation, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa P.S. Case No. 592/2017, subject to the



conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will cooperate in the investigation and will appear before the police/Court as and when required and failure to appear will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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