

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.806 of 2018**

Arising Out of PS.Case No. -168 Year- 2017 Thana -BELHAR District- BANKA

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1. Atush Kumar Sharma @ Atush Sharma @ Atush Kumar @ Aharma Son  
of Uday Sharma @ Udyanand Sharma Resident of village- Bishw Karma  
Tola, Belhar, P.S.- Belhar, District- Banka

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**  
ORAL ORDER

03 31-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Belhar P.S. (O.P.  
Khesar) P.S. Case No. 168 of 2017 registered under Section 302,  
201 & 34 of the Indian Penal Code.

Petitioner and one another accused taking son of the  
informant from his house is said to have committed his murder  
along with other accused persons.

It is submitted by learned counsel for the petitioner  
that the petitioner has been falsely implicated in this case. Though  
the deceased has went to the petitioner and another accused on the  
date of occurrence but after sometime the petitioner had left the



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deceased on the way and had gone to his house. It is a case of only last seen. There is no eye witness of the occurrence. No motive of committing the occurrence is alleged against the petitioner. There is no other material in the case diary indicating the complicity of the petitioner in the occurrence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature The petitioner has been languishing in custody since 16.08.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3<sup>rd</sup> Additional Chief Judicial Magistrate, Banka in connection with Belhar P.S. (O.P. Khesar) Case No.168 of 2017.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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