

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43323 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- BARHARA District- Bhojpur

BIKESH SHARMA @ BABUL SHARMA Son of Amirchand Sharma
Resident of Village - Jagatpur, P.S.- Barhara, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 16.03.2019 in connection with Barahara P.S.Case No. 65 of 2019 for the alleged offences under Section 302 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated in connection with the death of the informant's younger brother Dharmendra Kushwaha. It is submitted that the FIR has been lodged against unknown and the petitioner's name has transpired in course of investigation. It is submitted that except suspicion there is no objective material to support the prosecution story as concerns the petitioner. The petitioner is accused in two prior cases of the same nature.

4. Learned APP invites reference to paragraph 59 of the case diary in which the statement of the witness namely, Prem Kumar has been recorded about ten days after the alleged occurrence. It has been stated that the said witness and the deceased accompanied the petitioner. The petitioner snatched



Rs. 300/- from Prem Kumar, but on objection and resistance from the deceased, the petitioner pushed the deceased, as a result of which he fell down and sustained injury on his head.

5. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barahara P.S.Case No. 65 of 2019, on the following conditions--

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

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

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself 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 petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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