

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48961 of 2019

Arising Out of PS. Case No.-52 Year-1997 Thana- BACHHWARA District- Begusarai

ANIL SHARMA @ KAPILDEO SHARMA @ KAMALDEV SHARMA S/o
Ramotar Sharma Resident of Village- Jahmatiya Diyara, P.S.- Bachhwara,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 28-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Session Trial No. 106 of 2019 (arising out of
Bachhwara P.S. Case No. 52 of 1997 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

Informant is brother of deceased who in his
fardbeyan on 07.05.97 stated that his brother Shankar Sah was
in grocery shop and on 05.05.97 accused came to his shop and
asked for tea and thereafter they went away. Earlier there was
altercation between accused Ram Raji Ray as his brother
refused to give him battery on credit as Rs. 1000/- was already
due against him and it is stated that his daughter heard that
accused were whispering that as soon he closes the shop and



proceeds towards his residence they will kill him and when he did not return then he searched his brother alongwith other villagers and thereafter his dead body was recovered and his neck was split by some sharp cutting weapon and his hands and legs were tied and acid was sprinkled on his face to conceal his identity.

It has been submitted on behalf of petitioner that he has been falsely implicated in this case only on the basis of suspicion. Nothing has been recovered from his possession and allegations in the FIR are false, concocted and fabricated. There is no eyewitness and similarly placed co-accused Ashok Ray who is also named in the FIR has been granted bail by a co-ordinate Bench of this Court as contained in Annexure-2. Petitioner has no criminal antecedent and is in custody since 02.01.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Session Trial No. 106 of 2019 (arising out of Bachhwara P.S. Case No. 52 of 1997 subject to the conditions that:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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