

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60847 of 2019

Arising Out of PS. Case No.-563 Year-2018 Thana- SHERGHATI District- Gaya

1. KAMLA KANT SHARMA @ KAMAL KANT SHARMA Son of Late Nanku Singh Resident of Village - Dev Nagar Uchirma, P.S.- Sherghati, District- Gaya
2. Uday Singh Son of Late Raj Karan Singh Resident of Village - Dev Nagar Uchirma, P.S.- Sherghati, District- Gaya
3. Bagesh Kumar Son of Kamla Kant Sharma @ Kamal Kant Sharma Resident of Village - Dev Nagar Uchirma, P.S.- Sherghati, District- Gaya
4. Abhay Kumar @ Munna Son of Uday Singh Resident of Village - Dev Nagar Uchirma, P.S.- Sherghati, District- Gaya
5. Nirbhay Kumar @ Appu Son of Uday Singh Resident of Village - Dev Nagar Uchirma, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Sherghati P.S. Case No. 563 of 2018.

3. It is submitted that the petitioners have been falsely implicated on the accusation that the accused persons have assaulted the informant's father leading to his death. It is stated that the post mortem report clearly states that no external antemortem mechanical injury are found anywhere on the body of the deceased and that the cause of death appears to be due to chronic disease. The prosecution story is patently false also as evident from the status report of the life insurance policy of the deceased showing cause of death as heart



attack, apart from the fact that the informant himself has filed a petition in the Court of learned ACJM, Sherghati, accepting that his father died out of chronic disease. The petitioner nos. 2, 3, 4 and 5 claim clean antecedents while petitioner no. 1 is accused in two prior cases, in both of which he is on bail.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* has been heard.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners 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 ACJM, Sherghati, Gaya, in connection with Sherghati P.S. Case No. 563 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further 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 bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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