

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69876 of 2018

Arising Out of PS. Case No.-168 Year-2018 Thana- BIHPUR District- Bhagalpur

Shankar Sharma Son of Late Saryug Sharma @ Saryug Pd. Sharma Resident
of Village – Paharpur, P.S. Bihpur (Bhawanipur), District -Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shivnandan Sah, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 307, 34 of the Indian Penal Code registered in
connection with Bihpur (Bhawanipur) P.S. Case No. 168 of 2018.

3. It is submitted that the petitioner has been falsely
implicated as the first information report is against unknown persons.
Similarly situated co-accused Bidya Nand Sharma, who is said to be
the order giver, has been granted anticipatory bail by coordinate
Bench of this Court vide order dated 07.12.2018 passed in Cr. Misc.
No. 70218 of 2018. The petitioner is either on bail or has been
acquitted in other cases in which he had been made accused.

4. Having regard to the entirety of the facts and
circumstances of the case, in the event of the petitioner's arrest or
surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)
with two sureties of like amount each to the satisfaction of learned
Chief Judicial Magistrate, Naugachia, Bhagalpur in connection with



Bihpur (Bhawanipur) P.S. Case No. 168 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further 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 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.

(iv) That the petitioner shall cooperate 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.

BT/Chandran

(Vikash Jain, J)

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