

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70360 of 2019

Arising Out of PS. Case No.-235 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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VISHWANATH SHARMA Son of Shivdayal Sharma Resident of Village-
Lakhpatiya More, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mishra
For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Gopalganj P.S. Case No. 235 of 2019 registered for the
offence punishable under Sections 279, 341, 323, 307, 506, 34,
379, 302 of the Indian Penal Code.

Informant in her written complaint has alleged that on
14.05.2019 alongwith her husband while she was returning from
the house of her Samdhi, on motorcycle same dashed against
Manoj Sharma and his wife and thereafter at his instigation FIR
named including petitioner assembled there and assaulted her
husband by means of lathi, danda, iron rod and country made
pistol, as a result of which he sustained injuries and was rushed



to hospital from where he was shifted to Gorakhpur and then to Lucknow hospital. It is further alleged that subsequently on 26.05.2019 he died.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case. There is general and omnibus allegation against all the FIR named accused and there is no any specific overt act alleged against the petitioner. All family members have been made accused. It has been further submitted that in the postmortem report only two antemortem injuries on head have been found. Petitioner is in custody since 26.05.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below, in connection with Gopalganj P.S. Case No. 235 of 2019 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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