

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76131 of 2019

Arising Out of PS. Case No.-42 Year-2015 Thana- SHRIKRISHNAPURI District- Patna

DURGESH SHARMA Son of Awadhesh Sharma Resident of Rajapur
Mainpura (School Gali), P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-11-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and section 3/4 of Explosive Substance Act.

Informant in his fardbeyan has stated that on 12.02.2015 at about 11:05 am he, his nephew Santosh Kumar and Amlendu Pratap were talking at the gate of Rajkiys Madhya Vidyalaya, Mainpura, then 5 to 6 miscreants came and one of them threw bomb upon them on account of which Santosh Kumar sustained injury and fell down and then petitioner Durgesh Sharma and Girish Singh armed with pistol and revolver surrounded Santosh Kumar and started firing upon him, and when he and Amlendu Kumar went to save Santosh



Kumar they also fired upon them and escaped. Santosh Kumar was taken to PMCH where he was declared brought dead.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Reason for killing has been stated as land dispute. Other two FIR named accused Girish Singh and Guddu Singh who are brothers had land dispute with deceased but petitioner had no land dispute. Even in FIR except his name, his parentage and address has not been disclosed. It has been further submitted that I.O. has not found any sign of explosion at the place of occurrence but only empty shells of bullets were recovered from the place of occurrence. Informant and Amlendu Pratap have been examined as PW-1 and PW-2 and both have been declared hostile by the prosecution. Petitioner is in custody since 20.09.2017. Criminal antecedent of petitioners relates back to year 2003 and no criminal antecedent has been reported thereafter.

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/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **S.Tr. No. 113(A) of 2016**



arising out of S.K Puri P.S. Case No. 42 of 2015, with
following conditions:-

(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 shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(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)

ranjan/-

U			
---	--	--	--

