

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18763 of 2020

Arising Out of PS. Case No.-186 Year-2019 Thana- MAHISHI District- Saharsa

1. SANJAY SHARMA Son of Laxmi Sharma Resident of Village - Naharbar, P.S.- Mahishi, Distt - Saharsa.
2. Anandi Sharma Son of late Soman Sharma Resident of Village - Naharbar, P.S.- Mahishi, Distt - Saharsa.
3. Bhutai Sharma Son of Late Mutai Sharma @ Ram Sunder Sharma Resident of Village - Naharbar, P.S.- Mahishi, Distt - Saharsa.
4. Dularchand Sharma @ Dularchand Sharma Son of Late Babujan Sharma Resident of Village - Naharbar, P.S.- Mahishi, Distt - Saharsa.
5. Badri Sharma Son of Late Chotkan Sharma Resident of Village - Naharbar, P.S.- Mahishi, Distt - Saharsa.
6. Shankar Sharma Son of Umesh Sharma Resident of Village - Jajauri, P.S.- Mahishi, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Mahishi P.S. Case No. 186 of 2019, registered under Sections 147, 148, 149, 120(B), 302, 504 and 506 of the Indian Penal Code.

The accusation is that in the night of 09/10-12-2019, informant Gajendra Mukhiya was sleeping at his house,



in the mid night, he heard noise then he woke up and saw 15 persons named in the F.I.R., including the petitioners, were engaged in keeping the dead body of his son Amit Kumar at his door. On seeing the informant, all started moving towards south and north directions. On raising alarm, the neighbourers woke up, but, all succeeded to flee away towards south and north directions. Earlier, his son was threatened by Sunil Sharma, son of Pachkauri Sharma, Rajesh Sharma and Sanjay Sharma. On 11.12.2019, there was marriage of daughter of Pachkauri Sharma, where co-accused Shankar Sharma (Petitioner No.6) was doing work of D.J and he had brought Amit Kumar, son of informant, for working as a labour, where on 10.12.2019, in the night, on the instruction of Pirvat Sharma and Major Sharma @ Barun Sharma, his son has been killed.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that informant is not the eye-witness of the occurrence and no specific overt act has been attributed against the petitioners. Further submission is that similarly situated co-accused Sunil Sharma, Rajesh Sharma and Pachkauri Sharma have already allowed privilege of bail by a co-ordinate Bench of this Court vide Criminal



Miscellaneous No. 15380 of 2020 on 03.03.2020. Further submission is that petitioners are in custody since 12.12.2019 and on investigation, the Police has submitted Chargesheet.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 186 of 2019.

(Rajendra Kumar Mishra, J)

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