

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27917 of 2020

Arising Out of PS. Case No.-338 Year-2018 Thana- ATHMALGOLA District- Patna

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MOHAN SHARMA S/o Late Chhotu Sharma Resident of Village-Ahijan,
Police Station-Athmalgola, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Anant Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-11-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Anant Kumar, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Athmalgola PS Case No. 338 of 2018 registered under Sections 302, 201 and 120B/34 of the IPC.

Co-accused Md. Saddam, Md. Lallu, Md. Irfan and Anil



Sharma are said to have taken the victim from his house. The informant (father of the victim) has stated that thereafter he was found dead and that he suspects petitioner's active role in the entire occurrence as he had earlier meted out threats of the informant regarding his son.

It is submitted by learned Counsel for the petitioner that the named accused persons, who have taken away informant's son, have been granted bail in Cr. Misc. Nos. 39885 of 2019, 30124 of 2019 as well as 45359 of 2019. The petitioner's implication in this case is only because he happens to be father of Anil Sharma, who has taken the informant's son from his house. The petitioner has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Barh, Patna in Athmalgola PS Case No. 338 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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