

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71191 of 2019**

Arising Out of PS. Case No.-345 Year-2018 Thana- BELHAR District- Banka

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Aatush Sharma Son of Udayanand Sharma @ Uday Sharma Resident of
Village - Bishkarma, Khesar Tola, P.S.- Belhar, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 17-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
26.12.2018 in a case registered for the offence punishable under
Section 302 of the Indian Penal Code, hence, the prayer for bail
has been made through the present application.

The prosecution case, as per the written report of
Nageshwar Sharma submitted to the Station House Officer,
Kesar O.P., is to the effect that on 25.12.2018, the informant's
son protested the petitioner from burning the straw of the
informant whereupon the petitioner assaulted the son of the
informant, Madan Sharma, consequently, the son of the



informant was taken to the Bhagalpur for treatment but on the way he died.

It is submitted by learned counsel for the petitioner that in the background of some earlier dispute, the accusation has been levelled. During postmortem, no injury has been found on the body of the victim, as a result, the case of death has not been ascertained by the doctor and the viscera has been preserved. The investigation has already been concluded. Though the petitioner is accused in one another case but he is on bail in that case.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that there is specific accusation against the petitioner that the son of the informant was brutally assaulted by the petitioner but the accusation is not being corroborated by medical opinion, no cogent material has been collected during the investigation against the petitioner and the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned IIIrd Additional Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case



No. 345 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned IIIrd Additional Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 345 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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