

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11876 of 2021

Arising Out of PS. Case No.-186 Year-2019 Thana- BHAWANIPUR District- Purnia

SANJAY SHARMA, S/o Rajo Sharma R/o village- Madhawpur, P.S.- Balia
O.P. (Bhawanipur), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Vikramdeo Singh Bijendra Kumar Singh, Advocates
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and other sections of the Indian Penal Code.

As per allegations in the FIR, it is stated by the informant that there had been partition in the family. Over a dispute relating to cutting of a tree, it is stated that there was altercation between the parties. The accused persons including the elder brother of the informant's husband and the members of his family including his daughter-in-laws are stated to have assaulted the husband of the informant as a result of which he became unconscious and subsequently died.



It is submitted by learned counsel for the petitioner that the petitioner happens to be the nephew of the deceased. The allegations as levelled in the FIR are false and incorrect. The petitioner has been falsely implicated in the case because of land dispute between the parties. The allegations are general and omnibus in nature. From perusal of the FIR itself it would transpire that there is no allegations of use of any weapon etc. The petitioner is in custody since 28.5.2020 and has no criminal antecedent. Investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Bhawanipur (Balua) P.S. Case no. 186 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Purnea.

It is directed that the petitioner shall cooperate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, learned trial Court will be at liberty to take steps for



cancellation of the bail bond of the petitioner.

(Partha Sarthy, J)

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