

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15140 of 2021

Arising Out of PS. Case No.-359 Year-2020 Thana- ARARIA District- Araria

AKHILESH SHARMA S/o Late Tetar Sharma R/o village- Bochi, P.S.-
Araria, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Araria P.S.
Case No.359 of 2020 registered for the offence punishable
under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case as alleged in the FIR is that husband
of the informant went to look after his land and did not return
and in the morning his dead body was found lying near the main
road having injuries on head. The motor bike, slippers and iron
sabai was lying near the dead body. It is alleged that petitioner
with three other co-accused have murdered the husband of
informant as they earlier had threatened him to kill.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. No offence as alleged has ever taken



place. He has been falsely implicated in this case due to previous enmity and out of suspicion. There is no eye-witness to the alleged occurrence. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is no specific allegation of assault against the petitioner rather the allegations are general and omnibus in nature. There is no evidence on record by the independent witnesses that the petitioner has committed any such offence. Chargesheet has been submitted against the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 12.05.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case and custody of more than one year, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., VIth, Araria, in connection with Araria P.S. Case No.359 of 2020.

(Anjani Kumar Sharan, J)

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