

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28137 of 2021**

Arising Out of PS. Case No.-306 Year-2016 Thana- BETTIAH CITY District- West
Champaran

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SATISH SHARMA S/O SRI KISHORI SHARMA RESIDENT OF
VILLAGE BANUCHHAPAR, P.S.-BETTIAH MUFFASIL
(BANUCHHAPAR O.P.), DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-12-2021 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner. No one appears for the State.

Petitioner seeks regular bail in connection with
Bettiah Town P.S. Case No. 306 of 2016 registered for the
offence under Section 302 of the I.P.C. and Section 27 of the
Arms Act.

The prosecution story in brief is that the servant of
the informant was sleeping in *verandah* and when the informant
went to wake him up in the morning, he saw that he was lying in
a pool of blood caused by fire arm injury. The informant alleged
that his servant has been killed by some unknown persons.

Learned counsel for the petitioner referring to
paragraph no. 7 of the bail application submits that petitioner is



not named in the First Informant Report and his name has transpired on the basis of confessional statement made by the co-accused / Prakash Patel recorded in paragraph no. 46 of the case diary, confessional statement made by the co-accused / Kunal Thakur recorded in paragraph no. 49 of the case diary and confessional statement of the co-accused / Bharat Patel recorded in paragraph no. 55 of the case diary. He further submits that all the aforesaid co-accused persons, whose confessional statements were recorded, have been granted bail by different Co-ordinate Benches of this Court in Cr. Misc. Nos. 18716 of 2020, 48777 of 2017 & 61588 of 2017 respectively and another co-accused / Sonu Patel has been granted bail by this court in Cr. Misc. No. 20734 of 2018. Learned counsel submits that petitioner is in custody since 24-06-2017 and referring to paragraph no. 3 of the bail application he submits that the petitioner was arrested earlier on the basis of confession in Bettiah (M) P.S. Case No. 280 of 2016 and thereafter, he was made accused in other four cases as mentioned in paragraph no. – 3 on the basis of confessional statement.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner is not named in the F.I.R., he has



been dragged in this case on the basis of confessional statement of the co-accused persons, similarly situated co-accused persons have been granted bail by this Court and the petitioner is in custody since 24/06/2017, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 306 of 2016 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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