

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27282 of 2020

Arising Out of PS. Case No.-113 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

DR. ARUN KUMAR SHARMA @ ARUN KUMAR SHARMA @ ARUN KUMAR VISHWAKARMA Son of Asharfi Vishwakarma @ Asharfi Sharma @ Asharfi Resident of Village - Iliya, P.S.- Iliya, District - Chandauli (U.P.) at Present Chainpur, P.S.- Chainpur, Distt.- Kaimur (Bhabua), Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 01-02-2021 Heard learned counsel for the petitioner and Ms. Gulnar Begum learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular bail in connection with Chainpur P.S. Case No. 113 of 2019 registered for the offence under Sections 302, 328/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is alleged to be involved in killing the informant's son by administering poison to him in conspiracy with informant's daughter-in-law.

Learned counsel submits that the petitioner has no concern with affairs of informant's family and the informant's daughter-in-law has already been enlarged on anticipatory bail



in Criminal Miscellaneous No. 39630 of 2019 by a learned co-ordinate Bench of this Court. The petitioner is in custody since 12.05.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. Learned counsel submits that the Viscera Report has been received which shows that no volatile poison could be detected.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the allegation against the petitioner is totally false and baseless and has been made on mere suspicion upon the daughter-in-law of the informant and this petitioner, the allegation being that the petitioner had administered poison to the son of the informant but the Viscera Report now available on the record shows no presence of poison in the body, the daughter-in-law of the informant has already been granted bail by a learned co-ordinate Bench of this Court in Criminal Miscellaneous No. 39630 of 2019, the petitioner has remained in jail in this case since 12.05.2020, investigation against him is complete, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M.-II, Bhabua (Kaimur) in connection with Chainpur P.S. Case No. 113 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that he will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

