

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38119 of 2021

Arising Out of PS. Case No.-461 Year-2020 Thana- NAUBATPUR District- Patna

KUL SHEKHAR SHARMA @ BHOLA SINGH Son of Late Dwarika Singh
Resident of village - Alipur, P.O.- Karanja, P.S.- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Priyanka Singh, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-12-2021 Heard learned counsel for the petitioner, the State and the informant.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/120B of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, petitioner and other accused persons are alleged to have fired shots on the chest of the informant's father as a result of which he died. It is further alleged that grand mother of the informant was also killed by these accused persons in 2001 for which Naubatpur Police Station Case No. 37/2001 had been lodged and they were pressurizing to withdraw or make compromise, which was refused for which informant's father has been killed leading to lodging of the instant case.

Defence of the petitioner is that the deceased was a



habitual offender and he might have been killed by his enemies. A title suit is pending between the parties and hence petitioner has falsely been implicated in this case. There is no eye witness of the occurrence. No substantive evidence except suspicion has been collected during course of investigation to suggest the implication of this petitioner in the present case. Petitioner is in custody since 4.2.2021.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that the petitioner is named in the FIR with specific allegation that he and other accused persons fired shots on the chest of the informant's father causing his death. It is further submitted that when informant did not accede to their demand to make compromise in Naubatpur case no. 37/2001 this occurrence has taken place.

Considering the rival submissions of the parties, custody of the petitioner and the fact that except suspicion no other substantive evidence has been collected during course of investigation to suggest the implication of this petitioner in the present case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



Additional Chief Judicial Magistrate III, Danapur, Patna in
Naubatpur Police Station Case No. 461 of 2020 on the
following conditions:-

(1) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court
and shall remain physically present as directed by the Court and
on his absence on two consecutive dates without sufficient
reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the
witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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