

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39379 of 2020

Arising Out of PS. Case No.-195 Year-2020 Thana- NAUBATPUR District- Patna

Shashi Bhushan Sharma @ Bhushan Sharma S/o Darshan Sharma @
Sudarshan Sharma R/o Village- Gopalpur, P.S.- Naubatpur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. PK Shahi, Sr. Advocate with Mr. Rabi Bhushan, Advocate
For the State	:	Mr. Ram Sevak Choudhary APP
For the Informant	:	Mr. Ritu Raj, Advocate Ms. Ritika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 25-03-2021 Heard learned senior counsel for the petitioner, informant and the learned APP for the State.

Learned senior counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Naubatpur PS Case No 195 of 2020, instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 504 of the Indian Penal Code.

Nine persons, including the petitioner have allegedly assaulted the father of the informant by various means. Against the petitioner, there is allegation of assault by spade “Kudal”. The petitioner is stated to be in custody since 17.04.2020 and has no criminal antecedents.

The submission is that the allegations are general and omnibus and the specific assault attributed to the petitioner



cannot distinctly be made out, even from perusal of the postmortem report. It is also submitted that the victim had at least five criminal cases pending against him. In view of his antecedent, he has been done to death by others and the petitioner has been implicated on extraneous consideration.

The learned counsel for the informant and APP for the State have opposed the prayer for bail. It is submitted that assault is attributed against the petitioner and the fact that the victim had criminal antecedents, could not give a license to anyone to commit his murder.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Danapur, Patna, in connection with Naubatpur PS Case No 195 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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