

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3663 of 2021**

Arising Out of PS. Case No.-814 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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PUNIT KUMAR SHARAF SON OF SHATRUGHAN PRASAD RESIDENT
OF PASHICHAMI KARAGHIYA, WARD NO. 2, BETTIAH, P.S. BETTIAH
TOWN (KALI BAGH), DISTRICT- WEST CHAMPARAN AT BETTIAH

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shrishti Singh

For the Opposite Party/s : Mr. S.M. Rahman

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 16-04-2021 Heard learned counsel for the petitioner and learned

APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

While the son of the informant was going to MJK
Hospital, Bettiah for treatment of a family member, the
petitioner along with other FIR named persons and 2-3
unknown persons are said to have surrounded him and started
indiscriminate firing causing fire arm injury on his chest, neck
and head. He was taken to hospital for treatment but the doctor
declared him brought dead.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case merely on suspicion. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, the deceased used to deal in land and as a result he had many enemies. No independent eyewitness has been examined in this case. It is further submitted that from perusal of the postmortem report it appears that three injuries has been caused to the deceased which ultimately led to the cause of the death. It is lastly submitted that several similarly situated co-accused have been enlarged on bail by different co-ordinate bench of this court. The petitioner has no criminal antecedent and has been languishing in custody since 16.11.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 Court below where the case is pending in connection with



Bettiah Nagar P.S. Case No.814 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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