

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5610 of 2021**

Arising Out of PS. Case No.-60 Year-2020 Thana- GWALPARA District- Madhepura

CHANDESHWARI SHARMA @ CHANO SHARMA Son of Rudal Sharma
Resident of Village - Bhaluahi, P.S.- Gwalpara, District - Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra,Advocate

For the Opposite Party/s : Ms.Nirmala Kumari,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 02-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Nirmala Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Gwalpara P.S. Case No. 60 of 2020 registered for the offences punishable under Sections 302, 120B, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 08.05.2020 at about 04:00 P.M. the husband of the informant went to village Jhalari but did not return in the late night. Thereafter the informant on 09.05.2020 got information that a dead body is lying near the bridge and

went to identify the dead body. The dead body was found to be of her husband. On 08.05.2020, Shashi Sharma, Budhan Sharma, Suresh Yadav and Chandeshwari Sharma and others came at her door and threatened her of killing her husband.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, he is not the co-villager of the deceased. He has been falsely implicated in this case only because he happened to be related with co-accused Shashi Sharma.

Learned counsel submits that the immediate cause of the alleged occurrence is said to be the occurrence in which the son of the co-accused Shashi Sharma had caught a she-goat which belonged to one Anil Chaudhary. The deceased asked the son of Shashi Sharma to release the she-goat and thereafter, the son of Shashi Sharma was taken to the neighbouring village where he was being assaulted by the deceased.

Learned counsel submits that in course of investigation no other material save and except the confessional statement of the co-accused in police custody has been collected, there is no eye witness to the occurrence and in the present case co-accused Suresh Yadav who was involved in this case against whom there is no material has already been

granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 2548 of 2021 vide order dated 16.03.2021.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case and that in course of investigation no independent material has come against the petitioner, there is no eye witness to the alleged occurrence and the petitioner has remained in jail in connection with the present case since 19.08.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Madhepura in connection with Gwalpara P.S. Case No. 60 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly

make and 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 antecedent 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.