

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16315 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- BIKRAM District- Patna

Krishna Nandan Sharma @ Shambhu Sharma Son of Jagannath Sharma
Resident of Bikaram, Ward - Khoraita, P.S.- Bikram, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner, the State and the
learned counsel for the informant.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Bikram P.S. Case No.240 of 2020 instituted under Sections 147, 149,
341, 323, 307, 302 of the Indian Penal Code.

The allegation in the FIR is that, the informant and her
husband when they were in home got knowledge that the accused
persons have made unlawful assembly and forcefully ploughing their
field. When this was objected to, it is alleged that all the accused
persons with an intention to kill her husband assaulted with sticks.
Due to this brutal assault, her husband finally succumbed to the
injuries in the Patna Medical College Hospital.

Learned counsel for the petitioner submits that a bare



perusal of the FIR would show that omnibus allegation has been made against each and every accused persons in the light of which it cannot be ascertained as to who was the person who assaulted the deceased husband of the informant. He has further brought attention of this Court to the orders passed by the co-ordinate Benches in Cr. Misc. No.3448/2021 dated 08.07.2021 (Uday Kumar Vs. The State of Bihar), Cr. Misc. No.54591/2021 dated 03.03.2022 (Ramautar Mistri & Anr. Vs. The State of Bihar) and Cr. Misc. No.61018/2021 dated 05.05.2022 (Jagannath Sharma @ Jagar Nath Sharma & Anr. Vs. The State of Bihar) to show that the similar situate persons have since been granted the privilege of bail in the case in hand. He lastly submits that the petitioner is in custody since 19.11.2021 (as stated in para-14 of the bail application).

Taking into account the fact that the petitioner is in custody since 19.11.2021, the charge-sheet stands submitted and the other similarly situate co-accused have been granted the privilege of bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Bikram P.S. Case No.240 of 2020 to the satisfaction of learned A.C.J.M., VIth, Danapur, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the



petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

It goes without saying that the Trial court will take steps to expedite the Trial and conclude the same at an earliest.

(Rajiv Roy, J)

Prakash Narayan /-

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