

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25274 of 2021

Arising Out of PS. Case No.-7 Year-2017 Thana- ADAPUR District- East Champaran

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Gajendra Sharma @ Gajendra Kumar Son Of Hridayanarayan Thakur @
Hridayanarayan Sharma Resident Of Village- Bakhri, P.S.- Adapur, District-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 11-01-2022 The applicant/accused in Crime No. 7 of 2017 registered with Adapur Police Station, giving rise to Trial No.1812 of 2020, for the offences punishable under Sections 364, 302 and 120B of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that there is no eyewitness to the incident. Nobody had seen deceased Arun Ram and Dipak Ram in company of the applicant travelling to Nepal where dead body of both these persons were found. There is inordinate delay in lodging the FIR. The applicant is behind bar from the year 2017.



The learned Additional Public Prosecutor, pursuant to the order dated 03.01.2022, has made statement that there is no such video clip in which the applicant is seen in the act of commission of murder of Arun Ram and Dipak Ram. This query was made to the learned Additional Public Prosecutor by this Court because in the counter affidavit filed by the State it is mentioned that Brajkishore Giri had taken a video clip of the incident and sent it to Samsul Hoda. The learned Additional Public Prosecutor further argued that the case is that of the last seen.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR was lodged on 14.01.2017 by Aras Ram. He alleged that on 25.12.2016 the applicant along with other co-accused had taken Arun Ram and Dipak Ram with them. On 28.12.2016 dead bodies of both these persons were found in Nepal. The FIR contains no explanation as to why despite finding dead bodies on 28.12.2016 the FIR was not lodged immediately. There is no evidence to indicate that both the deceased travelled to Nepal along with the present applicant. The investigation of the crime in question is already over. The charge sheet has been filed. There is no apprehension that the



applicant would not be available for trial if released on bail.

The applicant is behind bar from 13.02.2017.

In this view of the matter, I see no reason to deny bail to the applicant. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 7 of 17 registered with Adapur Police Station, giving rise to Trial No.1812 of 2020, for the offences punishable under Sections 364, 302 and 120B of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat



commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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