

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16711 of 2022

Arising Out of PS. Case No.-251 Year-2020 Thana- SALAKHUA District- Saharsa

Mukesh Sharma Son Of Shyam Sundar Sharma @ Shyamsundra Sharma R/O
Village- Lalpur, Sugma, P.S.- Salkhua, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B)/34 of the Indian
Penal Code.

According to prosecution case, in short, is that the
informant has submitted a written statement before the police
alleging therein that 9 years ago, his sister Khusboo was married
with Madan Sharma who resides in Delhi to earn his livelihood
and his sister resides in Village with her children. On
14.11.2020 the F.I.R. named persons namely Pinki Devi, Umesh
Sharma, Ratqan Sharma, Mithilesh Sharma, Mukesh Sharma



(petitioner) and Challangi Sharma alongwith 4-5 unknown persons alleged to have killed the sister of the informant and this information was given to him by his “Bhanja” namely Rajdeep Kumar on mobile phone on 15.11.2020.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. does not support the postmortem report. He further submits that there is no eye witness of the alleged occurrence and in fact the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Pinki Devi and Umesh Sharma have been granted bail by a co-ordinate Bench of this Court vide order dated 21.08.2021 passed in Cr. Misc. No. 30363 of 2021. The petitioner is in custody since 28.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court



below where the case is pending in connection with Salkhua P.S.

Case No. 251 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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