

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17580 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- KASIMBAZAR District- Munger

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Akash Sharma @ Chhotu, son of Late Ratan Sharma, resident of village/Muhalla-Kasim Bazaar, P.S.-Kasim Bazar, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State through video conferencing in view of the COVID-19.

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 Kasim Bazar P.S. Case No.313/2021 instituted under Sections 302, 120(B), 34 of the Indian Penal Code and 27 of the Arms Act.

The FIR as it unfolds is/are as follows:

(a) It is alleged in the First Information Report that six years ago Deepika Sharma, sister of the informant had married Ravi Kumar, brother of this petitioner and since her marriage all family members of her in law's house started harassing her.

(b) It is further alleged in the FIR that Bhubneshwar



Sharma, Kundan Sharma and others the agnates of the informant due to property dispute killed Nivedika Bharti, mother of the informant and in that occurrence his sister Deepika Sharma also received gun shot injury that crippled her left hand and only for that reason the family members of her in-law's house did not liked her.

(c) The FIR further alleges that Deepika Sharma was an eye witness of her mother's killing in Bariarpur P.S. Case No.9/2017 and therefore the agnates of the informant were pressurizing Deepika not to give evidence in Court. Even her husband tried to state her to give any evidence against Bhubneshwar Sharma and Kundan Sharma but Deepika refused to oblige them.

(d) On 15.11.2021 Deepika Sharma was killed in her in-law's house and just prior to it, on 14.11.2021, she had called her another brother Deepak Sharma (on his Mobile No.7004589626) and had complained against the members of her in-law's house as also Bhubneshwar Sharma, Kundan Sharma and Shanti Devi fearing that they may kill her.

The petitioner is the younger brother of the husband of the deceased. According to the learned counsel for the petitioner he had no connection with the couple and was living



away from them. He further submits that it has specifically been narrated in the FIR that it was the husband of the deceased who was pressurizing her not to stand up as a witness in a murder case in which one of his relative was implicated as an accused. He as such submits that only because he belongs to the said family, he has been implicated in the case and is in jail since 17.11.2021 (as stated in para-6 of the bail application).

Taking into account the aforesaid fact that the allegation has been made against the husband, the petitioner is the brother-in-law of the deceased, charge-sheet stands submitted and he is in jail since 17.11.2021 as also the fact that he does not have any criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kasim Bazar P.S. Case No.313/2021 to the satisfaction of learned Chief Judicial Magistrate, Munger, 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.

(Rajiv Roy, J)

Prakash Narayan /-

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