

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29706 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- BHAWANIPUR District- Purnia

1. KISHORE SHARMA @ KISHOR SHARMA Son of Sri Siyaram Sharma R/o Village- Baliya, Bhawanipur, Rajdham, P.S.- Bhawanipur, District- Purnea.
2. Akhilesh Sharma Son of Sri Siyaram Sharma Resident of Village- Baliya, Bhawanipur Rajdham, P.S.- Bhawanipur, District- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 22-02-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

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

The petitioners seek regular bail in connection with Bhawanipur P.S. Case No. 10 of 2020, for the offence punishable under Sections 147, 148, 149, 447, 452, 341, 342, 323, 324, 302 and 120B of the Indian Penal Code.

The prosecution case, in brief, is that while the informant was sleeping in the midnight, he woke up on hearing some sound and identified the accused persons, who entered in his house. It is further alleged that when the informant tried to raise alarm co-accused Arun Sharma gagged his mouth and tied



him with cot. It is alleged that co-accused Hira Mandal and Siyaram Sharma pierced knife in the neck of his mother, while she was sleeping.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that no specific overt act has been alleged against the petitioners. The specific allegation of piercing knife in the neck of mother of informant is against co-accused Hira Mandal and Siyaram Sharma. He further submits that petitioners have got clean antecedent and they are in custody since 02.11.2020. He further submits that similarly situated co-accused Mantu Sharma has already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 14.09.2021 passed in Criminal Miscellaneous No. 35699 of 2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, there is no specific allegation against the petitioners either to tie the informant with the cot or pierce the knife in the neck of mother of informant, there is general and omnibus allegation against the petitioners, the petitioners,



above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Town Bhawanipur P.S. Case No. 10 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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