

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31571 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- MUFFASIL District- Aurangabad

1. Parmod Sharma S/O Kameshwar Sharma R/o village- Ora Tola, Munshibigha, P.S.- Mufassil, District- Aurangabad
2. Krishna Sharma S/o Kameshwar Sharma R/o village- Ora Tola, Munshibigha, P.S.- Mufassil, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kishore Choudhary, Advocate
For the Informant	:	Mr. Pramendra Kumar Singh, Advocate
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-01-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

The petitioners seek regular bail in connection with Aurangabad Muffasil P.S. Case No. 245 of 2020 instituted for the offences under Sections 147, 149, 302, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 08.01.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that the



informant in the F.I.R. alleges that his father went to attend nature's call on 31.12.2020 in the morning when petitioner along with other named accused persons came variously armed in a vehicle and assaulted the father of the informant leading to his death.

Learned counsel for the petitioners submits that admittedly the informant is not an eye-witness to the occurrence and the present F.I.R. was instituted at the instance of Upendra Paswan and Prem Kumar. Further, the father died due to road accident and petitioner came to be implicated on account of land dispute as wife of the co-accused earlier had filed Aurangabad Muffasil P.S. Case No. 289 of 2019. It is further submitted that the car alleged to be used in the occurrence has G.P.S. and it shows that on the date of occurrence the alleged car was not used in the morning i.e. the car was not used for committing the occurrence. Further, the petitioner no. 1 is residing at Ambikapur, Chhattisgarh and has a shop of furniture and came to be implicated in this case as he is the brother of petitioner no. 2.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners but is not able to meet the submission of learned counsel for the petitioners that



informant is not an eye-witness to the occurrence and the car has G.P.S. facility and on the date of occurrence the car was not at the place of occurrence.

Learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 08.01.2021, charge-sheet has been submitted in the case and the petitioners are persons with clean antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 245 of 2020.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

