

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32486 of 2021**

Arising Out of PS. Case No.-178 Year-2020 Thana- BASOPATTI District- Madhubani

Bachchu Sharma Son of Late Suresh Sharma Resident of Village -  
Mahinathpur, P.S.- Basopatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kumar Gautam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      14-02-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State in Virtual Court  
proceeding.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in connection with Basopatti P.S.  
Case No. 178 of 2020 registered for the offences punishable  
under Sections 302, 504, 34 of the Indian Penal Code and  
Section 27 of the Arms Act.

According to prosecution case, the informant had gone  
out in the middle of night and when he was returning he  
unexpectedly came in the path of a motorcycle which was  
speeding due to which the motorcycle had to stop. Then the



father of the informant identified one of the three persons on the motorcycle due to which the accused persons got irritated and upset, and Ajit Das allegedly fired upon the deceased and he became injured. Thereafter, the informant took his father for treatment with the help of Mukhiya and others but in the course of treatment his father died.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and he has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been surfaced only on the basis of confessional statement of co-accused Ajit Das and there is no eye witness of the alleged occurrence. It is further submitted that charge sheet has been submitted in this case. He further submits that similarly situated, co-accused, namely, Raushan Paswan, Vijay Das @ Vijay Kumar and Deepak Kumar have been granted bail by the different co-ordinate Benches of this Court vide orders dated 20.07.2021, 13.08.2021 and 21.10.2021 passed in Cr. Misc. No. 24720 of 2021, Cr. Misc. No. 19232 of 2021 and Cr. Misc. No. 16485 of 2021. The petitioner is in custody since 04.08.2020.

The learned Additional Public Prosecutor vehemently



opposed the prayer for bail.

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 Judicial Magistrate, 1<sup>st</sup> Class, Madhubani in connection with Basopatti P.S. Case No. 178 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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