

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26903 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- OBRA District- Aurangabad

Bablu Sharma @ Binkatesh Sharma, Son of Late Ram Agya Sharma,
Resident of Village- Surkhi, P.S.- Obra, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravindra Kumar, Advocate
For the Opposite Party/s :	Mr. Umesh Lal Verma. APP
For the Informant :	Mr. Krishna Prasad Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravindra Kumar, learned counsel appearing on behalf of the petitioner Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor of the State

The petitioner seeks regular bail, who is in custody in connection with Obra P.S. Case No. 85 of 2021 registered for the offences under Sections 341, 323, 504, 506, 379, 307/34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

As per the prosecution case, it is alleged that on 23.04.2021, while the petitioner Bablu Sharma along with other



co-accused were excavating soil with JCB and Tractor in front of the filed of the informant, then the informant along with his brothers, namely Vijay Pandey and Ajay Pandey, protested, thereupon it is alleged that this petitioner took out pistol from his waist and asked the other co-accused persons to run the JCB over them. It is further alleged that when the informant and his brother tried to flee away, they caught hold his younger brother Ajay Pandey and assaulted him brutally. When the other family members came there, the accused persons fled away.

Learned counsel appearing on behalf of the petitioner submits that there is no specific allegation of any overt act against the petitioner save and except that he wiped out his pistol and dictated the other accused persons to assault, though from the prosecution case, it is evident that no firing has ever been made. It is further alleged that the occurrence took place on 23.04.2021 and the petitioner died on 28.04.2021 and during the course of post-mortem no external injuries have been found over the body of the deceased, except the injury inflicted on the face of the deceased. No visible injuries was found on the body of the deceased. It is next submitted that even during the course of investigation, it has come that a scuffle has taken place and during scuffle some injuries have been sustained to



the deceased, but no specific allegation has been leveled against any one, much less against the petitioner. It is lastly submitted that the petitioner suo motu surrender on 28.03.2022 and since then he is in custody. It is further submitted that the alleged victim died for want of proper medical treatment and late medical advice while he was admitted in ICU at Sidharth Multispeciality Hospital Private Ltd., Patna.

On the other hand the learned senior counsel appearing on behalf of the informant vehemently opposes the bail application and submits that from the CT Scan report, it appears that the face of the deceased was completely fractured and it appears that he was brutally assaulted at the hands of the accused persons including the petitioner and he also drawn the attention of this Court towards the post-mortem report, which suggests that the cause of death is on account of haemorrhage, which ultimately lead to cardiac arrest, due to hard and blunt injuries.

On the other hand learned APP oppose the bail application.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus allegation levelled against the petitioner and also the fact that he



surrendered on 28.03.2022 and since then he is in custody, apart from the fact that the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 85 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification..

(Harish Kumar, J)

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