

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28398 of 2022

Arising Out of PS. Case No.-131 Year-2019 Thana- SIKTI District- Araria

RAMESH SHARMA son of Khatamal Sharma, resident of village- Bauka
Aamgachhi, Ward No. 06, P.S. Sikty, District – Araria Petitioner/s
Versus
THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate
Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-09-2022 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and the learned APP for the State.

The petitioner is in judicial custody in connection
with Sikty P.S. Case No.131/2019 instituted under Sections
363,302,211,120(B) of the IPC.

As per the FIR, the informant has lodged this case for
the alleging kidnapping of his son, Binod Kumar aged about 21
years who was having love affairs with Purnima Kumari,
daughter of petitioner, Gulabchand Sharma. The informant's son
was desirous and willing to solemnize marriage with Purnima
Kumari. The informant subsequently after 2-3 days found the
half pant of his son and mobile with SIM in the pocket of said
pant thrown in Bamboo clamps some distance from the house of
informant. He, thus lodged this case against unknown.

Learned Senior Counsel for the petitioner submits that
the matter is of 2019 and for the first time on 15.02.2022 after



filling in at least 271 paragraphs in the case diary, the police at paragraph No.-272 has raised suspicion against the petitioner herein and accordingly, he has come into judicial custody on 21.03.2022. He further submits that though he has no role to play in the said killing, he is ready to abide by all the terms and conditions imposed by this Court if he granted the privilege of bail.

Per contra, Mr. Bharat Bhushan, learned APP for the State submits that the name of the petitioner has come up 15.02.2022. It is his further submission that although the bones recovered were sent to Forensic Science Laboratory, there is nothing on record whether such report was received or not.

Considering the aforesaid facts that suspicion has been raised against the petitioner in 2022, he is in custody since 21.03.2022, charge sheet stands submitted and the FSL report is not on record, this court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of SDJM, Araria in connection with Sikty P.S. Case No. 131 of 2019, subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till the conclusion of the trial to mark his presence;

(iv) he 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;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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