

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29783 of 2022**

Arising Out of PS. Case No.-357 Year-2020 Thana- SABAUR District- Bhagalpur

Kuldeep Sharma S/o Arbind Sharma Resident of Village- Amdar, P.S.-
Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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

2 30-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding there being some dispute in between the co-accused person namely Prabhu Yadav and the deceased Sanni Kumar, husband of the informant. It is alleged that on the fateful day, the said Prabhu Yadav, Jyotish Yadav and Yogesh Yadav had accompanied the deceased on the motorcycle, however, the deceased did not return back and subsequently his



dead body was recovered.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Jyotish Yadav. He further submits that there is no eye witness to the alleged occurrence and except the confessional statement of co-accused namely Jyotish Yadav no cogent material has come during investigation against the petitioner. He further submits that similarly situated co-accused Yogesh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 31.03.2022 in Cr. Misc. No. 50167 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, 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 Court below where the case is pending in connection with Sessions Trial No. 353 of 2021 arising out of Sabour P.S. Case No. 357 of 2020, with 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 witness, 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 antecedents, 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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