

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34176 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- SIWAN RAIL P.S. District- Saran

1. Rahul Kumar Sharma @ Rakesh Kr. Sharma @ Rahul Sharma, Son of Late Surendra Sharma, Resident of Village - Majhwalia, P.s.- Jamo Bazar, Distt.- Siwan, Bihar.
2. Guddu Sharma, Son of Lal Bachan Sharma, Resident of Village - Majhwalia, P.s.- Jamo Bazar, Distt.- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Siwan (Thawe) Rail P.S. Case No. 44 of 2022 registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, the son of the informant went away with the petitioners on their motorcycle. Later on, his dead body was recovered near a railway crossing. The informant has



raised suspicion that the petitioners might have killed her son and have thrown away the dead body to look it like an accident.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The informant has only raised suspicion against the petitioners and there is no eye-witness to the alleged occurrence. The informant has admitted that petitioners had come to her house looking for their motorbike and this is the sole reason for implication of the petitioners in the present case. Learned counsel further submits that the dead body of the son of the informant was found near the railway track and from that place, police had found heavily damaged motorcycle which belongs to one Pappu Sharma, who is brother of the petitioner no. 2. The motorcycle was lent to the son of the informant for the day by Pappu Sharma. From post-mortem report, it appears that the son of the informant met with an accident and suffered heavy impact accidental injuries, all on the left side of his body which proved fatal. Petitioners have no dispute with the son of the informant and were not aware about the death of the son of the informant and they were arrested from their house. Except for suspicion, there is nothing to show the complicity of the petitioners in the alleged occurrence.



Charge-sheet has been submitted in this case and the petitioners are in custody since 12.03.2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the high probability of son of the informant meeting with an accident and further considering the lack of substantive material against the petitioners to connect them with the murder of son of the informant and also considering the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway) Sonapur, in connection with Siwan (Thawe) Rail P.S. Case No. 44 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the person a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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