

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45086 of 2021

Arising Out of PS. Case No.-146 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Balram Sharma Son of Late Arjun Sharma Resident of Village - Bharra, P.S.-
Begusarai Muffasil, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Begusarai
Muffasil P.S. Case No. 146 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 307,
448, 504, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act and Section 3/4 of Witchcraft Practice Act.

According to prosecution case, the statement of
Kailash Sharma recorded by the police stating therein that the
neighbouring people of the informant namely Tuntun Sharma,



Manoj Sharma Dharmveer Sharma, Balendra Sharma, all sons of Ganeshi Sharma, Sonu Sharma, Monu Sharma Nathuniya Devi, Runa Devi Balram Sharma, Chandan Sharma, wife of Balram Sharma, Mangali Devi and Jitendra Sharma all have entered in the house of the informant in the light and started abusing the mother of the informant namely Binda Devi saying therein that she is witch/Dayan and she must be killed by them, further it has been stated that 2-3 years ago a case was filed against Tuntun Sharma and Balram Sharma in which they have been noticed for attendance in the Court, just to pressurized to withdraw the case they have threaten the informant and also threaten to kill him in day hours all the above named persons entered in the house of the informant, Balram Sharma and Sonu Sharma were having pistol in their hands and they made fire over the head of the informant's mother and on the knee of left hand has also, she sustained injuries after getting out from inside the house of the informant the accused persons announced that they have made three fires over Binda Devi and there is no chance of her survival.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of



suspicion. He further submits that it appears from the F.I.R. that there is direct allegation of firing against the petitioner and co-accused namely Sonu Kumar. He further submits that it appears from the injury report that two injuries were found but it is not clear that on which fire arms the injury was caused on the head of the mother of the informant. He further submits that the injury report does not corroborate the allegation as alleged in the F.I.R. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 16.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the basis of material available in the record and case diary submits that injury report indicates the nature of injury is grievous and petitioner carries one criminal antecedent other than the present one.

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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No. 146 of 2021, 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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