

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36075 of 2022

Arising Out of PS. Case No.-388 Year-2019 Thana- BAKHTIARPUR District- Saharsa

Raghunath Sharma Son of Late Singheswar Sharma Resident of Bhavdeba,
P.S.- Bakhtiarpur, O.P.- Balwa Hat, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Ratan Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
S.T. No. 81 of 2020 arising out of Bakhtiyarpur P.S. Case No.
388 of 2019, lodged under Section 302/34 of the Indian Penal
Code.

As per the prosecution case, the informant has
narrated that his father was the *Pujari* of *Ram Janki Math*. It has
been stated by him that on the night of 08.10.2019/09.10.2019
he was sleeping in the *Thakurwadi*, when in the morning the
cleaning *Karmchari* reached then he raised *halla* that *Mahant Ji*
was killed. The apprehension has been caused against accused

no.1 because one month earlier there is a dispute took place for electric line between accused no.1 and his father. He also stated that the accused persons including the petitioner were seen on 02.00 a.m. night at a nearby place. The son of Kari Yadav had told to the son of informant that go and brought his grand-father in *Mela*.

Learned counsel for the petitioner submits that only on the basis of suspicion the present case has been filed in which the name of present petitioner has been figured. He further submits that the petitioner is in custody since 10.10.2019 having clean antecedent. He also submits that charge has already been framed in this case and trial has commenced. He further submits that the other co-accused Kari Yadav has been granted bail by the Co-ordinate Bench of this Court vide order dated 03.02.2021 passed in Cr. Misc. No.32045 of 2020.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VII, Saharsa in connection

with S.T. No. 81 of 2020 arising out of Bakhtiyarpur P.S. Case No. 388 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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