

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37171 of 2022

Arising Out of PS. Case No.-245 Year-2020 Thana- MUFFASIL District- Aurangabad

RINKU SHARMA @ UDAY KUMAR SHARMA SON OF KRISHNA SHARMA R/O - ORA TOLA, MUNSHI BIGHA, P.S.- MUFFASIL, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard Mr. Ashok Kumar Singh, learned counsel for the petitioner and Mr. Choubey Jawahar, learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Aurangabad (Muffasil) P.S. Case No. 245 of 2020 under Sections 147, 149, 302 and 120(B)/34 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that his father had gone to attend the call of nature where it is alleged that all the accused persons armed variously assaulted leading to his killing.

Learned counsel for the petitioner submits that



contrary to the allegation that has been made in the FIR the fact is that when the informant's father had gone to attend the call of nature, he was crushed in a road accident by an unknown vehicle on NH-2 but taking advantage of his father's death an assault story was concocted implicating the present petitioner and his family members due to old land dispute. It is his further submission that the petitioner is in custody since 23.04.2022 and similarly situated co-accused, namely, Pramod Sharma, Krishna Sharma as also Sudarshan Sharma have been granted the privilege of bail vide Cr.Misc. No. 31571 of 2021 and Cr. Misc. 32104 of 2021 respectively.

Taking into account the aforesaid fact that there is omnibus allegation against the accused persons including the petitioner herein, he is in custody since 23.04.2022, charge sheet stands submitted and similarly situated co-accused persons have been granted the privilege of bail as stated above, this Court is inclined to grant him privilege of bail. If however, it is found that any statement in bail application is incorrect, the bail order shall become infructuous.

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 Chief Judicial Magistrate,



Aurangabad in connection with Aurangabad (Mufasil) P.S. Case
No. 245 of 2020, 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 reason will entail cancellation of his bail
by the Trial court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
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)

Jagdish/Neha-

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