

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50248 of 2021

Arising Out of PS. Case No.-140 Year-2019 Thana- BHARGAMA District- Araria

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Anand Sharma @ Anant Sharma, S/o Jagdeo Sharma, R/o village- Baghwa
Parmanandpur, P.S.- Sri Nagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Pankaj Kumar Jha, learned counsel
appearing on behalf of the petitioner and learned counsel for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Bhargama P.S. Case No. 140 of 2019, giving
rise to S.T. No. 118 of 2019, registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
11.06.2019, the husband of the informant, namely, Mahesh
Yadav, went to the east side of his house and when he did not
return his house till night, in the morning, the informant stated



to her family members about the disappearance of her husband, thereafter search was made and at about 11.00 A.M. the dead body of her husband was found in Mariya river.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. was instituted against unknown persons. However, during the course of investigation, on the disclosure made by the spy of the police, one Shambhu Sah was arrested and the name of the petitioner surfaced on the confessional statement of said Shambhu Sah. However, co-accused, Shambhu Sah, has already been granted bail by this Court in Cr. Misc. No. 5463 of 2020, vide order dated 17.06.2020 and the same has been annexed as Annexure-2. It is next submitted that there is no eye witness to the alleged occurrence and save and except the confessional statement of co-accused, there is no material, which suggests the complicity of the petitioner. The petitioner is in custody since 06.10.2020 and moreover after completion of the investigation, charge-sheet has been submitted and the case has been committed to the Court of Sessions for trial.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation material has come which suggests the complicity of this petitioner.



Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner transpired on the confessional statement of co-accused person, who has already been granted bail by the learned co-ordinate Bench of this Court and this petitioner is in custody since 06.10.2020, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Araria in connection with Sessions Trial No. 296 of 2019, arising out of Bhargama P.S. Case No. 140 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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