

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41036 of 2022

Arising Out of PS. Case No.-353 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Naresh Sharma @ Naresh Thakur Son of Sitaram Thakur Resident of Village
- Panapur Langa, P.S.- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Sr. Advocate. Mr. Mritunjay Kumar, Advocate.
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned senior counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Hajipur Sadar P.S. Case No. 353 of 2022 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's brother was threatened by this petitioner to be killed and later, on the alleged date and time the dead body of the informant's brother was found. Further it is alleged that the informant has raised



suspicion against the petitioner and other co-accused persons.

The main submissions advanced by learned senior counsel Mr. Vikramdeo Singh appearing for the petitioner are that as per the FIR the petitioner was alleged to have threatened the deceased four to five days before the alleged occurrence of murder and except this there is no any other allegation and further it was alleged in the FIR that on the fateful day of the occurrence the informant claimed to have seen some persons talking with informant's brother and the informant revealed the name of two accused persons in the FIR but among those persons the petitioner was not named as being present with them and accordingly mainly on the ground of alleged threatening the petitioner has been implicated in this case and he has been languishing in jail since 16.05.2022 and there is no any direct evidence against him. Further submission is that against the petitioner there is criminal antecedent of four cases but all the said cases were lodged under the offences of Excise Act in which the petitioner is on bail.

Learned APP Mr. Ram Bilash Roy Raman appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. As per the FIR no direct evidence showing the petitioner's involvement in



the alleged murder appears and he has been made accused mainly on the basis of threat allegedly given by him to the deceased some days before the alleged date of occurrence and as per the FIR the deceased was seen talking with some persons at his shop but the presence of this petitioner was not alleged to be with them at that time and the informant mainly suspected the petitioner and other co-accused being involved in the murder of his brother. Considering these facts and mainly taking into account the fact that as per the FIR no direct evidence appears against the petitioner to show him being involved in the murder of the informant's brother and also the fact that against him the investigation has been completed, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 353 of 2022 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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