

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53088 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- HILSA District- Nalanda

MAHENDRA SHARMA Son of Sukhari Sharma Resident of Village -
Suhrapur, P.s.- Chiksora, Distt.- Nalanda, Presently resident of Rammurti
Nagar, P.s.- Hilsa, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-01-2022 Let the defects, as pointed out by the office, be
removed within four weeks of starting of Court proceeding in
physical mode in normal course.

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

The petitioner seeks bail in connection with Hilsa P.S.
Case No. 282 of 2020 registered for the offence under Sections
302, 207 and 34 of the Indian Penal Code and Section 25(1-b)a,
26 and 35 of the Arms Act.

The daughter of the informant is subjected to assault
and she is said to have been killed by the petitioner and his family
members.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and



has falsely been implicated in this case. In fact, the petitioner happens to be father-in-law of the deceased and he has no concern with the alleged occurrence. Merely on the basis of suspicion, the petitioner has been made accused in this case. No specific allegation of assault or any overt act is attributed to the petitioner. It is further submitted that initially the entire case is instituted under Sections 302, 201/34 of the Indian Penal Code but the police after investigation submitted charge-sheet under Sections 304B, 302, 201 and 120B of the Indian Penal Code against the petitioner and three other co-accused. Moreover, the husband of the deceased has already been taken into custody and a statement to that effect has already been made in paragraph-15 of the petition. As a matter of fact, mother-in-law namely, Niru Devi, of the deceased has already been granted bail by the court below itself, which is evident from the Annexure-3. The petitioner is rotting in judicial custody since 20.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-I, Hilsa in connection with Hilsa P.S. Case No. 282 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

braj/-

U		T	
---	--	---	--

