

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55307 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Shyam Nandan Sharma @ Baij Nath Singh, S/O Late Deoki Nandan Singh,
R/O Village- Olipur, P.S- Pipariya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, Advocate
For the Informant	:	Mr. Subhesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Lakhisarai P.S. Case No. 167 of 2020 for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Sections 25(1-b)a, 26(i) of the Arms Act have been added.

The prosecution case is that on the alleged date of occurrence i.e. on 11.03.2020 while the father of the informant



was sitting at his Dalan three persons named in the F.I.R. came on a motorcycle and fired indiscriminately, as a result of which the father of the informant died instantly. It is further alleged that when the informant chased, he found some persons were sitting in Sumo vehicle, who also threatened. The reason behind the occurrence is said to be that the father of the informant had lodged a case in respect of murder of his brother and the trial of which is going on and as the father of the informant had made deposition in the said case due to which he was threatened with dire consequences by this petitioner.

It is submitted on behalf of learned counsel for the petitioner that the petitioner is a man of 80 years old and on the alleged dated of occurrence he was in judicial custody in connection with S.T. No. 88 of 2019. It is further submitted that there is specific allegation of firing against three persons and so far this petitioner is concerned only suspicion has been raised. Learned counsel for the petitioner further submits that other co-accused persons named in paragraph 14 of the petition, namely, Rajesh Singh, Rahul Kumar @ Tutu Sharma, Shiv Kumar Singh, Manish Kumar , Sachidanand Singh @ Sachidanand Sharma and Surya Kumar @ Sarpan Kumar have already been granted bail by different co-ordinate Benches of this Court in



different Cr. Misc. applications. The petitioner is in custody since 12.06.2020. It is also submitted on behalf of the petitioner that the deceased was a veteran criminal and he was accused in dozen of serious case like murder and attempt to murder.

On the other hand learned counsel for the informant submitted that there is materials, which has come during the course of investigation that this petitioner had threatened the deceased and due to which the deceased and his brother had filed a petition before the trial court and asked for protection.

Having considered the rival submissions of the parties and taking into account the age of the petitioner, inasmuch as he is in custody since 12.06.2020 and the other co-accused persons have been granted bail by different co-ordinate Benches of this Court, 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 167 of 2020 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) The petitioner will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial and in case of any such event, the informant will be at liberty to file a petition for cancellation of his bail. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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