

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56885 of 2021

Arising Out of PS. Case No.-158 Year-2019 Thana- NAUBATPUR District- Patna

Madhuresh Sharma Son Of Venkatesh Sharma R/O Village- Usari, P.S.-
Mehandiya, District- Arwal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2022 Heard learned senior counsel Mr. Y.V. Giri for the
petitioner, learned A.P.P. Mr. Ramchandra Singh for the State
and learned counsel for the informant Mr. Ranjeet Choubey.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Sessions Trial No. 235 of 2021, arising out of Naubatpur P.S.
Case No. 158 of 2019 instituted for the offences under Sections
302, 120(B), 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 4.1.2021, charge-sheet has been
submitted and has antecedent of two cases. Learned senior
counsel submits that the informant in the FIR alleges that her
husband happens to be the driver of the ambulance and had left



house by saying that would will return after some time but he did not return in the night, further it is alleged that the informant called him on her mobile but she did not receive any response. It is further alleged that an information was given by the police that her husband was killed and his dead body was lying near Faridpura, accordingly, the informant went to the place of occurrence and found the dead body of her husband having gunshot injury on his head.

The learned senior counsel submits that from perusal of the allegation, it would manifest that FIR was against unknown and the name of this petitioner transpired in the confessional statement of co-accused Shubham Jyoti who has been granted privilege of default bail. It is thus submitted that it amply demonstrates that the police within 90 days were not able to connect Shubham Jyoti with the offence as a result of which, the charge-sheet could not be submitted and he was granted privilege of default bail, the learned senior counsel further submits that the person who took petitioner's name in the confessional statement has been granted privilege of default bail that amply demonstrate that during the course of investigation, nothing was found against him within the statutory period of investigation.



The learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that name of this petitioner apart from this fact that it came in the confessional statement of co-accused also transpires during the course of investigation when CDR was investigated and from investigation of the CDR it came to light that the petitioner along with other persons had a talked with the deceased. The learned senior further submits that similarly situated co-accused Promod Kuamr has been granted bail vide order dated 22.12.2021 in Cr. Misc. No. 27906 of 2021.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and co-accused has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (**Rupees Ten Thousand**) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, in connection with Sessions Trial No. 235 of 2021, arising out of Naubatpur P.S. Case No. 158 of 2019

(Satyavrat Verma, J)

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