

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59451 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- PURAINI District- Madhepura

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Amit Sharma @ Amit Kumar Sharma, Son of Late Ramotar Sharma Resident
of Village - Aurai Purvi, P.S.- Puraini, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Puraini
P.S. Case No. 23 of 2020 registered for the offence under
Section 302, 201 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 02.03.2021.

The allegation against the petitioner is to commit
murder of step-sister along with other family members / co-
accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not named in the FIR and name of



the petitioner surfaced on the basis of suspicion, as raised by local *Chaukidar* on the basis of hearsay input. It is also submitted that nothing surfaced during course of investigation to connect the petitioner, *prima-facie*, with the present set of occurrence, who is a man of clean antecedent. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 59836 of 2021 dated 09.05.2022. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted under Section 306 of the Indian Penal Code, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of the investigation except hearsay, which may connect the petitioner, *prima-facie*, with the present set of occurrence, where, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted under Section 306 of IPC, let the petitioner, above named, is directed to be released on bail in connection



with Puraini P.S. Case No. 23 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Udakishunganj, Madhepura, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/
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