

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62198 of 2021**

Arising Out of PS. Case No.-146 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SONU KUMAR @ SONU SHARMA S/o Tuntun Sharma R/o village-
Bharra, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 13-04-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner seeks bail in connection with Begusarai

Muffasil P.S. Case No. 146 of 2021 registered for the offences

punishable under Sections 147, 148, 149, 341, 323, 324, 307,

448, 504, 506/34 of the Indian Penal Code and Section 27 of

the Arms Act and Section 3/4 of Witchcraft Practices Act.

According to prosecution case, the statement of

Kailash Sharma recorded by the police stating therein that

the neighboring people of the informant namely Tuntun

Sharma, Manoj Sharma Dharmveer Sharma, Balendra

Sharma, all sons of Ganeshi Sharma, Sonu Sharma, Monu

Sharma Nathuniya Devi, Runa Devi Balram Sharma, Chandan



Sharma, wife of Balram Sharma, Mangali Devi and Jitendra Sharma all have entered in the house of the informant in the light and started abusing the mother of the informant namely Binda Devi saying therein that she is witch/Dayan and she must be killed by them, further it has been stated that 2-3 years ago a case was filed against Tuntun Sharma and Balram Sharma in which they have been noticed for attendance in the Court, just to pressurized to withdraw the case they have threaten the informant and also threaten to kill him in day hours all the above named persons entered in the house of the informant, Balram Sharma and Sonu Sharma were having pistol in their hands and they made fire over the head of the informant's mother and on the knee of left hand has also, she sustained injuries after getting out from inside the house of the informant the accused persons announced that they have made three fires over Binda Devi and there is no chance of her survival.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is direct allegation of firing against the



petitioner. He further submits that it appears from the injury report that two injuries were found but it is not clear that on which fire arms the injury was caused on the head of the mother of the informant. He further submits that the injury report does not corroborate the allegation as alleged in the F.I.R. He further submits that after investigation police has submitted the charge sheet against the petitioner. Moreover, the co-accused, Balram Sharma, has already been granted bail by this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 45086 of 2021. The petitioner is in custody since 07.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the basis of material available in the record and case diary submits that injury report indicates the nature of injury is grievous and petitioner carries one criminal antecedent other than the present one.

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 Court below where the case is pending in



connection with Muffasil P.S. Case No. 146 of 2021 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)

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