

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65625 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. SANJAY SHARMA Son of Late Fudo Sharma Resident of Village - Pama, Tola Kabaiya, Ward No. 14, P.S. - Sour Bazar, Dist. - Saharsa.
2. Prem Lal Sharma Son of Late Swaroop Sharma Resident of Village - Pama, Tola Kabaiya, Ward No. 14, P.S. - Sour Bazar, Dist. - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 325, 307, 302, 120B, 201 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 24.06.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that the informant alleges that she came to know through villagers that



her son was assaulted by nine named accused persons and 4-5 unknown on account of which her son died.

Learned counsel for the petitioners submits that the informant is not an eye-witness to the occurrence and the entire allegation hinges around suspicion based on information received from the villagers that nine accused persons along with 4-5 unknown persons had killed her son. Learned counsel further submits that the villagers who disclosed the name of the named accused persons must have seen the occurrence but the petitioner is not named in the F.I.R.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners and submits that the eye-witnesses have seen the petitioner committing the occurrence along with the named accused persons.

Learned counsel for the petitioners rebuts the submission of the learned A.P.P. and submits that if the villagers had seen the petitioner committing the occurrence with the named accused persons then definitely the name of the petitioner would also have been disclosed to the informant.

Considering the fact that the petitioners are in custody, are persons with clean antecedent, charge-sheet has been submitted in the case, and the petitioners are not named in



the F.I.R., let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sour Bazar P.S. Case No. 16 of 2020.

(Satyavrat Verma, J)

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