

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56090 of 2022

Arising Out of PS. Case No.-248 Year-2020 Thana- BATHNAHA District- Sitamarhi

1. RAMU SHARMA S/O SURENDRA SHARMA Residnet of village- Koili, P.S.- Bathanaha, District- Sitamarhi.
2. KISHAN SHARMA S/O SHATRUDHAN SHARMA Residnet of village- Koili, P.S.- Bathanaha, District- Sitamarhi.
3. SONAWATI DEVI W/O SHATRUDHAN SHARMA Residnet of village- Koili, P.S.- Bathanaha, District- Sitamarhi.
4. SHATRUGHNA SHARMA @ SHATRUDHAN SHARMA S/O SRI JODHAN THAKUR Residnet of village- Koili, P.S.- Bathanaha, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek bail in connection with Bathanaha P.S. Case No. 248 of 2020 registered for the offences punishable under Sections 302/120(B)/34 of the Indian Penal Code.

As per prosecution case, on 29.10.2020 co-accused Raju Sharma came to the house of informant and started pulling



informant's sister hand and on her alarm the informant and his family members came out and then the co-accused left her hand and went away. It is further alleged that petitioner no. 1 namely Ramu Sharma alongwith others came with sword on motorcycle. It is further alleged that petitioner no. 2, 3 and 4 are alleged to be participated in the said occurrence. It is further alleged that co-accused Kapileshwar Sharma dragged informant's mother on road and assaulted on her right hand elbow by means of sword and co-accused Surendra Sharma cut the vein of left hand of informant's mother as a result of which she fell down. Petitioner no. 2 and 3 alongwith others are alleged to have caught informant's mother. It is further alleged that co-accused persons Raju Sharma, Raghwendra Sharma, Kapileshwar Sharma and Raushan Thakur assaulted informant's mother by means of sword on the neck as a result of which she died at the place of occurrence.

Learned counsel for the petitioners submits that petitioners are in custody since 09.05.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no specific overt-act attributed against the petitioners and allegations are general and omnibus



in nature. Petitioners are not the assailant of the informant's mother who has died. As per the prosecution story, Raju Sharma, Raghwendra Sharma, Kapileshwar Sharma and Roushan Thakur are alleged to be the assailant of informant's mother by means of sword on the neck of victim who has died.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 learned A.D.J.-V, Sitamarhi in connection with Bathanaha P.S. Case No. 248 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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