

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64631 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- BALUA BAZAR District- Supaul

Prabhu Sharma Son of Sander Sharma Resident of Village - Dorara Ward No.-
4, P.S.- Balua Bazar, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70952 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- BALUA BAZAR District- Supaul

Mina Devi W/o Nand Kishore Uraw R/o Village - Dorara, P.S. - Balua- Bazar,
District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64631 of 2021)

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Informant : Mjr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

(In CRIMINAL MISCELLANEOUS No. 70952 of 2021)

For the Petitioner/s : Mr. Kumar Goutam, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

3 16-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned APP for the State.



Petitioners seek bail in a case registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant Anil Kumar Sharma, that on 20.06.2021 at about 2:30 P.M. accused petitioner Prabhu Sharma along with co-accused Santosh Sharma came to the house of the informant and took his father Ramdayal Sharma. It is further alleged that the father of the informant did not return till 6:00 P.M. then informant and his cousin went to the house of the accused persons but they were not present there. Thereafter, his cousin went to the house of another co-accused Meena Devi and inquired about the father of the informant, upon which she initially denied but later the dead body of the father of the informant was found inside the house of said accused. Informant has further casted aspersion that the aforesaid three accused persons and another accused Anarkali Kumari were involved in the said occurrence.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case only on the basis of suspicion. He further submits that there is no motive to commit such type of occurrence. He further submits that during investigation



nothing has come against the petitioners and there is no eye witness of the alleged occurrence and the petitioners are in custody since 21.06.2021 and 22.06.2021 respectively.

Learned counsel appearing on behalf of the informant as well as learned APP for the State have opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Balua Bazar (Lalit Gram O.P.) P.S. Case No. 22 of 2021, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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