

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71221 of 2021**

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

SANTOSH SHARMA SON OF LAXMI SHARMA RESIDENT OF
VILLAGE- DORRA, WARD NO -4 P.S- BALUA BAZAR, DIST- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 17-08-2022 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 petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No. 287/2021 arising out of Balua Bazar P.S. Case No. 22 of 2021 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 Sharma, that on 20.06.2021 at about 2:30 P.M. accused petitioner Santosh Sharma along with co-accused Prabhu Sharma came to the house of the informant and took his



father Ramdayal Sharma. It is further alleged that 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 Meena Devi. Informant has further alleged that petitioner and other accused persons were involved in the said occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 21.06.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no motive to commit such type of occurrence. There is no eye witness of the alleged occurrence. There is no specific allegation of assault and killing of deceased against the petitioner. Petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that co-accused Prabhu Sharma has already been granted bail by the co-ordinate bench of this court vide Cr. Misc. No. 64631 of 2021 and the case of present petitioner



stands on similar footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused on similar allegation has been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Supaul in connection with S.T. No. 287/2021 arising out of Balua Bazar P.S. Case No. 22 of 2021, 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) Petitioner 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 petitioner tampers 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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