

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16511 of 2023

Arising Out of PS. Case No.-921 Year-2022 Thana- MAJHAULIA District- West Champaran

Sahara Sharma Son Of Ramanand Sharma Resident of village - Dudha Mathia, Ward No. - 03, P.S. - Majhauria, Distt. - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard Mr. Ramakant Sharma, learned senior counsel
for the petitioner and learned Additional Public Prosecutor for
the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.01.2023 in connection with Majhauria P.S. Case No. 921 of
2022, F.I.R. dated 24.11.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, all the accused persons
including the petitioner armed with iron rod surrounded the
informant and his father and on the order of one Deo Kumar
Sharma, the accused Shatrughan Sharma assaulted the father of



the informant with iron rod due to which he sustained injuries and subsequently died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it transpires that there is general and omnibus allegation against all the accused persons including the petitioner and there is specific allegation of assault attributed against the co-accused persons, namely, Deo Kumar Sharma, Shatrughan Sharma and Awadhesh Sharma where Awadhesh Sharma caught hold the father of the informant and Shatrughan Sharma assaulted the father of the informant by iron rod. He further submits that there is no specific allegation of assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ram Nandan Sharma has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 16556 of 2023. The petitioner is in custody since 19.01.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 921 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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