

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21237 of 2023

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

Raghvendra Sharma @ Raghvendra Kumar, Son of Sri Satrugan Sharma @
Shatrughan Sharma, R/V- Koili Got, P.S- Bathanaha, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 485 of 2022 arising out of Bathnaha P.S. Case No. 248 of 2020 registered for the alleged offences under Sections 302 and 120(B)/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons armed with swords came to the house of the informant and assaulted the mother of the informant causing her death. The occurrence took place in the back ground of dispute over right to way and kidnapping of the sister of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. There is allegation against four persons for giving sword blow on the neck of the mother of the informant but from the post-mortem report it appears there was only one injury. Learned counsel further submits that similarly placed co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.01.2022 passed in Cr. Misc. No. 525 of 2022. The petitioner is in custody since 26.05.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that co-accused Raushan Thakur who has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.01.2022 passed in Cr. Misc. No. 525 of 2022 was earlier denied bail vide order dated 24.11.2021 in Cr. Misc. No. 27735 of 2021 with liberty to renew his prayer for bail after framing of charge. Learned APP further submits that charges have not been framed against this petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to similarly placed co-accused person and further considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond



of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge, Sitamarhi/Court concerned in connection with Sessions Trial No. 485 of 2022 arising out of Bathnaha P.S. Case No. 248 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

