

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22225 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

PAPPU SHARMA S/O TAPESHWAR SHARMA R/O Village- Salempur,
P.S- Praiya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner assisted by Mr. Surendra Kumar Mishra, Advocate and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 31.01.2023 in connection with Makhdumpur P.S. Case No. 437 of 2022, F.I.R. dated 12.07.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, the informant is wife of the deceased Budhal Yadav who was driver of a bus and co-accused Rakesh Sharma is owner of the said bus whereas the petitioner Pappu Sharma is manager of the said bus in question and on 11.07.2022 at about 9:00 A.M. her husband had gone to



the owner of the bus on his calling and on the next date, on 12.07.2022 at about 10:00 A.M. she came to know from villagres of Serthua that the dead body of her husband was found throwing in a Payeen and when she reached there and found the head of her husband to be fractured and after informing the owner and Manager of the bus, she informed Tehta O.P. and the reply of the petitioner Pappu Sharma and co-accused being owner of the bus is not found satisfactory. It is further claimed that the petitioner besides co-accused person have committed murder of husband of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the deceased was driver of the bus bearing registration No.BR02PA6731 and the petitioner is Manager of co-accused Rakesh Kumar who is owner of the bus and the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion that the petitioner and Rakesh Kumar have killed the husband of the informant. He further submits that except the suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He



further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 31.01.2023.

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

6. 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 A.C.J.M.-IV, Jehanabad in connection with Makhdumpur P.S. Case No. 437 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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