

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29480 of 2023

Arising Out of PS. Case No.-116 Year-2015 Thana- SAKURABAD District- Jehanabad

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Satyendra Sharma @ Satyendra Kumar @ Satendra Sharma S/O Kamla
Sharma @ Kamla Singh R/O Village- Jharkha, Post- Ratni Bazar, P.S-
Shakurabad, Distt.- Jehanabad.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Shakurabad P.S. Case No. 116 of 2015 corresponding to Session
Trial No. 286 of 2018 registered for the offence under Sections
302 & 34 of the Indian Penal Code and Section 27 of the Arms
Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 22.08.2022.

5. The allegation against the petitioner is to commit



murder of son of informant by causing firearm injuries alongwith other co-accused persons, due to previous enmities arises out of local political disputes and differences.

6. Learned counsel appearing on behalf of the petitioner submitted that though informant claimed to be an eye-witness of this occurrence raising specific allegation to cause fatal firearm injuries, causing death of his son but during trial as PW-2, in his examination-in-chief, he deposed general and omnibus allegation regarding firing without deposing any specific allegation *qua* petitioner as raised through present FIR. It is further submitted that petitioner is a man of clean antecedent, and trial is not likely to conclude in near future.

7. Learned APP, while opposing the prayer of bail submitted that the allegation of firing is specific against this petitioner as per FIR.

8. Considering the submission on last occasion regarding delay of trial, a report was called for from the learned Trial Court, where it appears that only four charge sheeted witnesses were examined till now and trial is not likely to conclude in near future.

9. Considering the facts and circumstances as mentioned above and by taking note of report of learned Trial



Court, where trial is not likely to conclude in near future, where petitioner is in custody since 22.08.2022, who is a man of clean antecedent, accordingly, petitioner above named, is directed to be released on bail in connection with Shakurabad P.S. Case No. 116 of 2015 corresponding to Session Trial No. 286 of 2018 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-II, Jehanabad/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(I) That petitioner shall not interact with informant during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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