

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30398 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- RAFIGANJ District- Aurangabad

Kallu Sharma, son of Late Ram Pravesh Sharma Village- Simra Jamshed Ps-
Rafiganj Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 208 of 2022 / 186 of 2022 arising out of Rafiganj P.S. Case No. 38 of 2022, registered for the offences punishable under Sections 302, 201, 120 (B)/34 of the Indian Penal Code.

As per the prosecution case, the informant received an information from his friend that the dead body of his nephew is lying on the bank of Simra Madar River. On this information, the informant went there and identified the dead body of his nephew. It is further alleged that the informant came to know that the deceased had gone to liquor shop where he caused to consume liquor by co-accused Ashok Bhuiyan who alongwith



four to five unknown persons killed him by electrocution and his dead body was thrown near the bank of river.

Learned counsel for the petitioner submits that the F.I.R. has been lodged against Ashok Bhuiyan and other unknown persons and the petitioner was not named in the F.I.R. but consequently during the course of investigation his name has been transpired on the confessional statement of co-accused, namely, Ashok Bhuiyan and save and accept his confessional statement, there is no material against the petitioner. He has further submitted that other similarly situated co-accused persons namely Raju Bhuiyan, Anil Bhuiyan, Shankar Bhuiyan, Suresh Bhuiyan and Jahkas Bhuiyan have been granted bail by the Coordinate Bench of this Court vide common order dated 01.02.2023 in Criminal Misc No. 31373 of 2022; Criminal Misc. No. 32086 of 2022; Criminal Misc. No. 32281 of 2022; Criminal Misc. No. 32298 of 2022 and 32354 of 2022 respectively. Petitioner has two criminal antecedent in which he is on bail. Petitioner is in jail custody since 06.02.2022.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case let the petitioner, above named, be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII, Aurangabad in connection with Sessions Trial No. 208 of 2022 / 186 of 2022 arising out of Rafiganj P.S. Case No. 38 of 2022 with subject to the following conditions:

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of this case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of the trial.

(iv) In the event of default of two consecutive dates without any cogent reasons, his bail bonds will liable to be cancelled.

(Sunil Dutta Mishra, J)

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