

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33758 of 2023

Arising Out of PS. Case No.-51 Year-2022 Thana- BHAPTIAHI District- Supaul

Shiv Narayan Sharma @ Shival Nr. Sharma S/O Ramdev Sharma Resident of
Village- Gadhia, Ward No. 09, P.S- Bhaptiyahi, District.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with POCSO
Case No. 56 of 2022 arising out of Bhaptiyahi P.S. Case No. 51
of 2022 registered for the offence punishable under Sections
147, 148, 149, 341, 323, 324, 457 and 302 of the Indian Penal
Code.

According to prosecution case, the informant's
daughter saw one person fleeing away from her window and
therefore she shouted and the accused Ravindra Sharma was
caught hold by the villagers then petitioner and other family
members of Ravindra Sharma armed with lethal weapons
assembled at the door of informant. It is further alleged that
accused Ravindra Sharma assaulted the father-in-law Shiv



Narayan Ram with lathi and when he fell down then Kishundev Sharma assaulted on him with farsa and Nageshwar Sharma assaulted by means of knife due to which he died at the spot. His cousin father-in-law Basanti Ram also sustained injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and there is no specific allegation of any assault or overt act attributed against the petitioner. Charge sheet has already been submitted in this case against the petitioner and there is no chance of absconding or tampering with the evidence by the petitioner. He further submits that similarly situated co-accused persons, namely, Mukesh Kumar @ Mukesh Kumar Sharma and Rajendra Sharma have been granted bail by the coordinate Benches of this Court vide orders dated 03.04.2023 in Cr. Misc. No. 74827 of 2022 and 27.04.2023 in Cr. Misc. No. 70551 of 2022 respectively. The petitioner has no criminal antecedent as stated in paragraph 3 of the petition. He is in jail custody since 22.11.2022.

Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. - VI-cum- Special Judge, POCSO Court, Supaul in connection with POCSO Case No. 56 / 2022 arising of Bhaptiyahi P.S. Case No. 51 of 2022.

(Sunil Dutta Mishra, J)

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