

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34834 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- ALAMNAGAR District- Madhepura

1. Janardan Sharma Son Of Late Kokan Sharma Resident Of Ward No.-12, Narayanpur Basa, Bargaon, O.P. Ratwara, P.S.- Alamnagar, District-Madhepura
2. Bhikhari Sharma Son Of Late Uchit Sharma Resident Of Ward No.-11, Narayanpur Basa, Bargaon, O.P. Ratwara, P.S.- Alamnagar, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh
For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-01-2023 This case is listed for hearing out of turn on account of mentioning that the petitioner no. 1 is seriously ill and requires treatment in PMCH.

Heard Ld. counsel for the petitioners and Ld. APP for the State.

The petitioners seek bail in connection with Sessions Trial No. 108 of 2022, arising out of Alam Nagar P. S. Case No. 253 of 2021, registered for the offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act, 1959.



The prosecution story as emerges from the FIR is that when the informant's brothers were sitting at the door of Sanjeev Rajak at about 09.00 P.M., the petitioners and their associates started firing all of a sudden on them by latest fire-arms, due to which two persons, namely, Brij Mohan Kumar and Nathuni Sharma died and one person, Chotu Kumar got injured.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the name of the petitioners have not figured in the dying declaration of the deceased, Nathuni Sharma. He also submits that other co-accused person, namely, Anil Singh has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 30.09.2022, passed in Cr. Misc. No. 38302 of 2022.

He further submits that the petitioners have been languishing in jail since 13.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1 has earlier been made



accused in one case, whereas petitioner no. 2 has got no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-VIII, Madhepura, in connection with Sessions Trial No. 108 of 2022, arising out of Alam Nagar P. S. Case No. 253 of 2021, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that



investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

skm/-

U			
---	--	--	--

