

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36336 of 2023

Arising Out of PS. Case No.-921 Year-2022 Thana- MAJHAULIA District- West Champaran

SHATRUDHAN KUMAR SHARMA S/O LATE AASH NARAYAN
SHARMA @ SHYAMNANDAN SHARMA R/O Village- Dudha Mathiya,
Ward No. 3, P.S- Majhauria, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 1. Heard Mr. Ramakant Sharma, learned Senior
counsel for the petitioner and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
19.01.2023 in connection with Majhauria P.S. Case
No.921/2022, dated 24.11.2022, for the offences punishable
under Sections 302/34 of the IPC.

3. According to prosecution case, the petitioner is
alleged to have assaulted with iron rod to the deceased due to
which he died.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



informant is not an eyewitness of the alleged occurrence and there is admitted land dispute between the parties and Title Suit No.31/2011 is going on between the parties. He further submits that merely on the basis of suspicion, the petitioner has been implicated in the present false and fabricated case. He further submits that from bare perusal of the F.I.R., it appears that the allegation against the petitioner in the F.I.R. is that he has assaulted with iron rod to the deceased on the back side but the postmortem report of the deceased does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand 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 C.J.M., Bettiah, West Champaran in connection with Majhauria P.S. Case No. 921/2022, 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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