

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36546 of 2022

Arising Out of PS. Case No.-355 Year-2017 Thana- DAUDNAGAR District- Aurangabad

SHASHI SHARMA @ SHASHI KUMAR @ BHAGERAN S/O LATE
JITWAHAN SHARMA @ JITESHWAR SHARMA RESIDENT OF
VILLAGE SHAMSHMER NAGAR PS -DAUDNAGAR DISTT.-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjesh Kumar Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Daudnagar P.S. Case No. 355 of 2017 registered for the offences
punishable under Sections 302/120B/34 and 174A of the Indian
Penal Code.

As per prosecution case, dead body of informant's
son was lying near canal. When informant went there he found
that the head of dead body of his son was cut by means of sharp
cutting weapon and F.I.R. has been lodged against unknown
persons.



Learned counsel for the petitioner submits that petitioner is in custody since 25.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that F.I.R. has been lodged against unknown persons. During the course of investigation few persons suggested that the deceased was lastly seen in the company of petitioner and other co-accused persons. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. There is no eye witness to the alleged occurrence. He further submits that petitioner is quite innocent and has committed no offence as alleged against him in the F.I.R. Moreover, on similar allegation co-accused Raja Satyam Kumar @ Satyam Kumar has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 69300 of 2018 and on the principle of parity the present petitioner also deserves bail.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by co-ordinate bench of this Court, charge sheet has been submitted in the case and there is



no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub. Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 355 of 2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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