

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37871 of 2023

Arising Out of PS. Case No.-371 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Banti Sharma @ Monti Sharma @ Raman Kumar Son Of Baleshwar Sharma
Village Mahkhar Tola Hussain Chak Wardno 4 P S Bakhtiyarpur District
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Informant	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard Mr. Krishna Prasad Singh, learned senior

counsel for the petitioner assisted by Mr. Bhaskar Shankar,

Advocate and learned counsel for the informant as well as

learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
30.01.2023 in connection with Bakhtiyarpur P.S. Case No. 371
of 2022, F.I.R. dated 21.8.2022 for the offences punishable
under Sections 302, 307, 504, 506/34 of the Indian Penal Code
and Section 25(1-B)a, 26, 27, 35 of the Arms Act.

3. According to prosecution case, as per F.I.R. there is
specific allegation of firing in the stomach of deceased (Punjit
Yadav) against the petitioner alongwith other co-accused



persons against whom there is also specific allegation of firing on the person of deceased.

4. Learned senior counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R. is 20.08.2022 at 11:00 P.M. (night) but the present F.I.R. was instituted on 21.08.2022 at 01:25 P.M. and before lodging the F.I.R. the inquest report was prepared on 21.08.2022 at 7:15 A.M. and postmortem of the deceased also conducted on 21.08.2022 at 12:30 P.M.. He further submits that from bare perusal of inquest report it appears that Bechan Yadav and Mukhi Yadav are the witnesses of the inquest report but they have not disclosed the name of the petitioner and after completion of all the formalities the present F.I.R. has been instituted only to falsely implicate the petitioner in the present case and thereafter, the statement of the Bechan Yadav and Mukhi Yadav have been recorded by the prosecution in which they have stated that they have seen the present occurrence. He further submits that the police after investigation submitted the



charge sheet against the petitioner and the petitioner is in judicial custody since 30.01.2023.

5. The counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has filed upon the deceased but fairly submits that all the formalities has been completed before filing of the present F.I.R.. They further submits that petitioner carries four criminal antecedents other than the present one but fairly submits that out of four cases, petitioner is on bail in two cases and in one case petitioner has been acquitted.

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 Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 371 of 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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