

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45200 of 2023

Arising Out of PS. Case No.-227 Year-2022 Thana- PIRPAINTI District- Bhagalpur

GAUTAM SHARMA, S/O- Late Sundar Sharma R/O Village- Mohanpur,
Tilakdhari Tola, P.S.- Bakharpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Pirpanti P.S. Case No. 227 of 2022 dated 17.07.2022 registered
for the offences punishable under Section 302/34 of the Indian
Penal Code and Sections 3/4 of the Dayan Act.

3. The main submissions advanced by learned counsel
Mr. Amrendra Kumar Jha appearing for the petitioner are that
the FIR goes to show that the informant is not the eye-witness of
the alleged occurrence, this petitioner and his three relatives
have been named in the FIR, out of them two co-accused
persons namely, Raj Kumar Sharma and Lakhan Kumar have
been granted bail by a co-ordinate Bench of this Court vide
order passed in Cr. Misc. No.10814 of 2023 and as per the FIR,



the main allegation appears against the co-accused Raj Kumar Sharma who is on bail, if the alleged occurrence is believed to be true even then there was no reason for the petitioner to be involved in the alleged crime as there was some tension in between the co-accused Raj Kumar Sharma and deceased's family on account of death of a cow and as per autopsy report on the body of the deceased only one sharp cut injury was found. Further submissions are that any specific role of the petitioner in the alleged crime has not been revealed and he has been dragged in this case merely on the basis of suspicion and he has been languishing in jail since 19.07.2022 having fair and clean antecedent.

4. Learned APP Mr. Binod Kumar appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the privilege of bail having been granted to above-mentioned two similarly situated co-accused persons and also the facts that in the FIR there is no specific allegation against the petitioner and he has been languishing in jail since 19.07.2022 and as per above submission on the body of the deceased, only one sharp cut injury was found, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be



enlarged 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 concerned Court in connection with Pirpainti P.S. Case No. 227 of 2022.

(Shailendra Singh, J.)

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