

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40990 of 2022

Arising Out of PS. Case No.-4 Year-2020 Thana- PIPRAKOTHI District- East Champaran

SUDHIR SHARMA S/O HARDEO SHARMA Resident of village-
Chhatauni, Badhai Tola, P.S.- Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 25-01-2023 Learned counsel for the petitioner is permitted to
make necessary correction in Para 15 of the petition.

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
Piprakothi P.S. Case No. 04 of 2020 registered for the offences
punishable under Sections 302, 120(B), 332, 34 of the Indian
Penal Code.

As per prosecution case, there is allegation against
the petitioner and other co-accused persons that they committed
the murder of informant's brother on account of previous enmity
which is related to money transactions.

Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged against him in FIR and no incriminating article has been recovered from the possession of the petitioner. He further submits that from the perusal of the FIR it is clear that petitioner was not even last seen with the deceased so the allegation raised by informant is purely based on suspicion. Except suspicion, there is nothing on the record to demonstrate the complicity of the present petitioner with the alleged occurrence. There is no eye witness to the alleged occurrence and no motive has been attributed against the petitioner. Learned counsel for the petitioner submits that petitioner is in custody since 06.04.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Co-accused Naresh Pandey and Chandan Shah have already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 11091 of 2022 and 25340 of 2021 respectively and the case of present petitioner stands on similar footing.

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, co-accused persons have 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 04 of 2020, 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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