

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43803 of 2023

Arising Out of PS. Case No.-134 Year-2021 Thana- RAFIGANJ District- Aurangabad

1. RANJEET SHARMA SON OF LATE KAMLESH SHARMA RESIDENT OF VILLAGE -THAKURAR, PS- RAFIGANJ DISTRICT -AURANGABAD BIHAR
2. RAHUL SHARMA SON OF LATE KAMLESH SHARMA RESIDENT OF VILLAGE -THAKURAR, PS- RAFIGANJ DISTRICT -AURANGABAD BIHAR
3. RAJU SHARMA SON OF LATE KAMLESH SHARMA RESIDENT OF VILLAGE -THAKURAR, PS- RAFIGANJ DISTRICT -AURANGABAD BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 1. Heard learned senior counsel for the
petitioners and learned APP for the State.

2. Petitioners seek regular bail in connection with Rafiganj P.S. Case No.134 of 2021 dated 13.05.2021 registered for the offence(s) punishable under Section(s) 147, 148, 149, 341, 323, 324, 307, 504, 506 and subsequently added Section 302 of the Indian Penal Code.

3. The main submissions advanced by learned senior counsel for the petitioners are that the petitioners have fair and clean antecedent and have been languishing in jail since



02.06.2023, the FIR clearly goes to show that the informant is not the eye witness of the alleged occurrence committed with his son and he simply revealed the presence of petitioners and co-accused persons when he reached at the spot where his son was lying in injured condition and as per the allegation levelled by him the specific allegation of assaulting the informant is against co-accused persons Seth Sharma and Anuj Sharma but there is no specific allegation against the petitioners and altogether 14 persons including the petitioners have been named in the FIR and several similarly situated co-accused persons namely Bimal Sharma, Ranjan Sharma, Pintu Sharma, Seth Sharma, Chandan Kumar and Anil Sharma have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos.64804 of 2021, 65653 of 2021 and 62998 of 2022 respectively.

4. Learned APP appearing for the State opposes the bail prayer.

5. Having regard to the facts and circumstances of this case, considering the above submissions and mainly the facts that altogether 14 persons including the petitioners have been named in the FIR and any specific role of any of the petitioners in the commission of the alleged murder has not been



revealed and several co-accused persons mentioned-above carrying similar nature of allegation are on bail, in the opinion of this Court a lenient approach can be taken in respect of the petitioners’ prayer, let the petitioners be released on bail in connection with Rafiganj P.S. Case No.134 of 2021 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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