

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47185 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- GAMAHARIYA District- Madhepura

1. Binod Sharma S/O Shri Shivnandan Sharma R/O Village- Chikni Khad, Ps. Gamhariya, Dist. Madhepura
2. Sunil Kumar S/O Shri Dinesh Sharma R/O Village- Chikni Khad, Ps. Gamhariya, Dist. Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 28.03.2023 in connection with Gamhariya P.S. Case No. 65 of 2022, F.I.R. dated 19.04.2022 for the offences punishable under Sections 447, 323, 324, 326, 307, 302, 504, 506, 341 and 34 of the Indian Penal Code.

As per F.I.R. the allegation against the petitioners along with co-accused persons are that they assaulted the father of the informant with intention to kill him due to land dispute and during course of treatment father of the informant died.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that bare



persual of F.I.R. that F.I.R. in two parts, in first part, there is general and omnibus allegation against all the co-accused persons including these petitioners and in the second part, there is specific and direct allegation against the co-accused namely, Santosh Sharma who has assaulted with the iron-rod but the said Santosh Sarma @ Santosh Sharma @ Santosh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 23.06.2023 passed in Cr. Misc. No. 16424 of 2023 and another co-accused namely, Shivnandan Sharma @ Shivandra Sharma has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 02.02.2023 passed in Cr. Misc. No.56036 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 28.03.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Madhepura in connection with Gamhariya P.S. Case No. 65 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 their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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