

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51807 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- BALIYA District- Begusarai

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1. VAKIL SHARMA @ WAKIL SHARMA S/O DEBU SHARMA R/O VILLAGE- SERANCHAK, CHHOTI BALIA, PS. BALIA, DIST. BEGUSARAI
 2. VIKASH KUMAR @ VIKASH SHARMA S/O VAKIL SHARMA @ WAKIL SHARMA R/O VILLAGE- SERANCHAK, CHHOTI BALIA, PS. BALIA, DIST. BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 20.06.2023 seek bail in connection with Balia P.S. Case No.322/2022 registered for the offences punishable under Sections 302/34 of the I.P.C.

3. According to prosecution case, there is allegation against co-accused namely Sanjay Sharma that he fired upon the brother of the informant namely Ravi Kumar, due to which the brother of the informant sustained fire arm injury on his chest and abdomen and died. It is alleged that the petitioners were also present at the time of occurrence.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it appears that there is no accusation of any assault or overt act attributed against these petitioners rather there is specific allegation against co-accused namely Sanjay Sharma, who fired upon the brother of the informant and said Sanjay Sharma has been granted bail vide order dated 23.08.2023 passed in Cr. Misc. No. 52393/2023 by co-ordinate Bench of this Court. The petitioners are in custody since 20.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 C.J.M., Begusarai in connection with Balia P.S. Case No.322/2022, subject to the following conditions:-

1. Petitioners 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, their 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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