

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51587 of 2022**

Arising Out of PS. Case No.-180 Year-2022 Thana- BARHARA KOTHI District- Purnia

LAXHMAN SHARMA ALIAS LAKSHMAN SHARMA SON OF LATE  
JAGDISH SHARMA R/O VILLAGE- BHATOTAR, P.S.- BARHARA  
KOTHI, DISTRICT- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      16-02-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Barhara  
P.S. Case No. 180 of 2022 registered for the offence under  
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 04.05.2022.

The allegation against the petitioner is to commit  
murder of the mother of informant by causing head injury with  
sharp cut weapon, due to previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye-witness of the occurrence, as it is appearing from the last paragraph of the FIR itself that he claimed the involvement of petitioner in the present occurrence, suggesting that entire allegation is based upon suspicion. It is also submitted that both the parties are in inimical terms and prior to this occurrence, before 02 months, the wife of the petitioner was died, where a suspicion was raised that the deceased caused her death by witchcraft practice. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where, entire allegation is based upon mere suspicion coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barhara P.S. Case No. 180 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of  
learned C.J.M., Purnea/concerned court, subject to the condition  
as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Katyayan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

