

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34153 of 2022

Arising Out of PS. Case No.-495 Year-2021 Thana- KORHA District- Katihar

ANIL KUMAR SHARMA Son of Raju Sharma Resident of Village - Bisaria,
Police Station- Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35473 of 2022

Arising Out of PS. Case No.-495 Year-2021 Thana- KORHA District- Katihar

Sunil Kumar @ Fucho @ Sunil Singh Son Of Upendra Singh R/O Village-
Bisaryia, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54182 of 2022

Arising Out of PS. Case No.-495 Year-2021 Thana- KORHA District- Katihar

BIKASH KUMAR @ BECHAN YADAV @ BIKASH YADAV Son of Sudhir
Yadav Resident of village - Bisharya, P.S.- Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34153 of 2022)

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 35473 of 2022)

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 54182 of 2022)

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

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

4 16-02-2023 Learned counsel for the petitioners is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. N.K.Agrawal learned senior counsel for the petitioners and the learned A.P.P. for the State in these applications.

The petitioners seek bail in a case registered for the offence under Sections 302,201,34 of the Indian Penal Code.

The prosecution case, in short, is that dead body of a lady, aged about 25 years, was found near Bishariya canal, the dead body could not be identified by the villagers, but it was suspected that the lady was killed by strangulation and her dead body was thrown with intent to cause disappearance of the evidence of the offence of murder.

Learned counsel appearing for the petitioners submits that the petitioner Anil Kumar Sharma has clean antecedent, petitioner Sunil Kumar @ Fucho @ Sunil Singh carries three more cases and petitioner Bikash Kumar @ Bechan Yadav @ Bikash Yadav carries two more cases other than the present one. Further submits that the petitioners have falsely been implicated in the present case. He further submits that the petitioner are not named in the FIR. The name of the petitioners



have been transpired during investigation on the basis of the self-confessional statement of petitioner Sunil Kumar @ Fuchho @ Sunil Singh he also disclosed the name of petitioner Anil Kumar Sharma and petitioner Bikash Kumar @ Bechan Yadav @ Bikash Yadav. Further submits that in fact the victim was married lady and she had deserted her husband and was living a vagabond life at Purnea and there is no eye witness of the alleged occurrence and only on the basis of the suspicion, the petitioners have falsely been implicated in the present case and except the suspicion, no other cogent material has come during investigation against the petitioners and the police, after investigation, submitted chargesheet against the petitioners and petitioner Anil Kumar Sharma is in custody since 18.12.2021, petitioner Bikash Kumar @ Bechan Yadav @ Bikash Yadav is in custody since 25.03.2022 and petitioner Sunil Kumar @ Fuchho @ Sunil Singh is in custody since 18.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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 court below where the case is pending in connection with Korha P.S.Case No. 495 of 2021 with 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 bonds 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.

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 antecedents, 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)

Nitesh/-

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