

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55679 of 2023

Arising Out of PS. Case No.-455 Year-2023 Thana- ARA NAGAR District- Bhojpur

NAKUL SHARMA @ SURAJ KUMAR SHARMA @ SURAJ KUMAR Son
of Chote Lal Sharma R/o vill - Ahirpurva More Valiganj, P.S. - Ara Town,
Distt. - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mrs. Sakshi Deep, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard Mr. Krishna Pd. Singh, Sr. Counsel duly
assisted by Mrs. Sakshi Deep, learned counsel for the petitioner
and Mr. Ashok Kumar Singh, learned APP for the State.

The petitioner is in judicial custody in connection
with Ara Town P.S. Case No. 455 of 2023 for the offence
punishable under Sections 302, 379 of the Indian Penal Code
lodged on 6.6.2023 by the informant, Manish Kumar Sharma.

As per the prosecution story, the allegation is that
after death of informant's brother, when his post-mortem report
came there was sign of hand on his neck so he had suspicion
that he has been killed and the dead body was hanged with the
fan. Accordingly, the FIR.

Subsequently, the police investigated the matter and



the petitioner came into the judicial net.

Learned counsel for the petitioner has taken this Court to paragraph-9 to show that on the particular day, the petitioner who is a carpenter was working in the house of Arvind Sharma, a government teacher and he has certified to this effect. The further submission is that he is in custody since 6.6.2023 (para-13 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Taking into account the fact that the informant on the ground that his hand of his brother was around his neck, got suspicion that he was killed and FIR lodged, there is a certificate of a government teacher that on the fateful day, the petitioner was working as carpenter in his house, do not have criminal antecedent and is in custody since 6.6.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 455 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

