

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58807 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

NIRAJ SHARMA S/O NAVIN BISHWAKARMA @ NAVIN SHARMA R/O
VILLAGE- NARAYANPUR, P.S AND DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with S.T. No. 650 of 2022 arising out of Azamnagar P.S. Case No. 196 of 2022 for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code lodged on by the informant, Sweety Kumari.

3. As per the prosecution story, the allegation is that when she along with her husband was going to 'Shiv Mandir' after worshipping the God and upon return, two unknown persons opened fire which hit stomach of her husband and the same proved fatal. Further, they were shouting that the work given by Niranjana has been accomplished. Accordingly, the FIR.

4. The last submission is that co-accused Rajesh



Yadav, Pradeep Yadav and Shiv Kumar have been granted bail by a coordinate bench in Cr. Misc. No. 72232 of 2022 and 72270 of 2022 respectively (Annexure-2).

5. Learned APP opposes the prayer stating that his name has come during the course of investigation.

6. Considering the aforesaid submission put forward by the learned counsel for the petitioner as also similar placed co-accused has since been released on bail, this Court is inclined to extend him the privilege of bail with conditions.

7. 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, Katihar, in connection with S.T. No. 650 of 2022 arising out of Azamnagar P.S. Case No. 196 of 2022 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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