

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62535 of 2023**

Arising Out of PS. Case No.-98 Year-2022 Thana- KHARIK District- Bhagalpur

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BABUL SHARMA SON OF LATE SIKENDRA SHARMA @ MISTRI @
SIKANDRA MISTRI RESIDENT OF VILLAGE PACHGACHIA, PS
GOPALPUR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak

For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302, 307, 120(B)/34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner along with six
others is of firing upon the father of the informant leading to his
death.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has



committed no offence. Petitioner is not named in the FIR and he has not apprehended on spot. During investigation, this petitioner was identified in the C.C.T.V. footage at the time of occurrence but the real fact is that he was identified near Zero mile, which is quite long distance from the place of occurrence and also he was not seen with any weapons. Nothing incriminating articles have been recovered from the conscious possession of the petitioner. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 13.07.2023 passed in Cr. Misc. No. 14205 of 2023. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 05.09.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with



Kharik P.S. Case No. 98 of 2022.

(Sunil Kumar Panwar, J)

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