

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3634 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Subodh Sharma S/o Jagat Narayan Sharma @ Natho Sharma R/V-
Bishambharpur Ailoth, P.S.- Musarigharari, Distt- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Karpuri Das S/o Late Ramswarup Das R/V- Latbasepura, P.S.- Musrigharari,
Distt0- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Vaishnavi Singh
For the Respondent/s	:	Mr. Usha Kumari 1
For the Informant	:	Mr. Abhay Shanker Singh, Adv
		Mr. Barun Kumar Singh, Adv
		Mr. Pankaj Raj, Adv

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-02-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No. 2.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 19.09.2022,

passed by the Ld. Spl. Judge SC/ST(POA) Act, Samastipur,

in connection with Musrigharari P.S. Case No. 82. 2022,

registered for the offences punishable under Sections 302

and 34 of the Indian Penal Code and Sections 3(2)(v) of the

SC/ST(PoA) Act, Samastipur, whereby bail has been denied



to the appellant.

The prosecution case as emerging from the FIR is that on 08.05.2022 at about 8:00 P.M., son of the informant and his son went to attend the marriage at Vishambharpur. When informant reached near the house of Dr. Nasim, four persons stopped the car of the informant and took away his son with them. Thereafter, they killed and threw his dead body behind the Utkramit Madhya Vidhyaliaya, Laatbasepur.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. She also submits that there is no eye witness to the alleged offence and whole case is based only on suspicion, speculation and so called confessional statement of the co-accused before the police, which have no evidence in value. She further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 13.05.2022.

It has also been stated in paragraph no. 3 of the



appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 19.09.2022, passed by Ld. Spl. Judge SC/ST(POA) Act, Samastipur, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Spl. Judge SC/ST(POA) Act, Samastipur in connection with Musrigharari P.S. Case No. 82. 2022, **after framing of charge, if not already framed** on the following conditions,:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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