

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62081 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- JAKKANPUR District- Patna

Amresh Kumar S/O Arjun Singh Resident of Village- Keshopur, P.S.- Hilsa,
District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64631 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- JAKKANPUR District- Patna

1. Sudhir Sharma @ Sudhir Kumar Son Of Awdhesh Sharma @ Gopal Sharma
R/O Village- Shahpur, P.S.- Nagarnausa, District- Nalanda
2. Sanjay Sharma @ Sanjeev Kumar Son Of Rameshwar Singh R/O Village-
Alipur, P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62081 of 2022)

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, A.P.P.
For the Informant	:	Mr. Amar Nath Singh, Advocate Mr. Ram Pravesh Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 64631 of 2022)

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, A.P.P.
For the Informant	:	Mr. Amar Nath Singh, Advocate Mr. Ram Pravesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-04-2023 Heard Mr. Ramakant Sharma, learned senior counsel

for the petitioners assisted by Mr. Lakshmi Kant Sharma,



Advocate, Mr. Amar Nath Singh, learned counsel for the informant and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 02.09.2022, 23.08.2022 in connection with Session Trial No. 674 of 2021 arising out of Jakkanpur P.S. Case No. 189 of 2021, F.I.R. dated 12.04.2021 for the offences punishable under Sections 302/34 of the Indian Penal Code.

The allegation against these petitioners are to commit murder of brother of the informant, along with other co-accused persons, by causing fire arm injuries while making an attempt to commit robbery.

Learned counsel for the petitioners submits that petitioner namely, Amresh Kumar has clean antecedent and petitioner namely, Sudhir Sharma @ Sudhir Kumar and Sanjay Sharma @ Sanjeev Kumar carries one criminal antecedent other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that bare perusal of the F.I.R. it transpired that there is specific allegation against co-accused namely, Satish Kumar and Sunil Kumar who assaulted the deceased with knife and there is no specific allegation of any



assault or overt-act is attributed against these petitioners. He further submits that the date of occurrence as alleged in the F.I.R. is that 12.04.2021 but the present F.I.R. was instituted on 15.04.2021 after delay of three days without any explanation delay. He further submits that pursuant to observation given by this Hon'ble Court, similarly situated, co-accused, namely, Satish Kumar @ Satish Kumar Singh has been granted bail by the learned court below itself. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioner namely, Amresh Kumar is in judicial custody since 02.09.2022 and petitioner namely, Sudhir Sharma @ Sudhir Kumar and Sanjay Sharma @ Sanjeev Kumar are in judicial custody since 23.08.2022.

Vide order dated 17.03.2023 a report was called for with regard to the present stage of trial. Report dated 03.04.2023 of the learned trial court reveals that no witnesses have been examined up till now in Sessions Trial No. 1444 of 2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners namely, Sudhir Sharma @ Sudhir Kumar and Sanjay Sharma @ Sanjeev Kumar carries one criminal



antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 A.D.J.-XVIII, Patna in connection with Session Trial No. 674 of 2021 arising out of Jakkanpur P.S. Case No. 189 of 2021, subject to 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 bond 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.

3. 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 antecedent,



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)

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