

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66411 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- BEERPUR District- Begusarai

POLICE SHARMA SON OF DHOLAN SHARMA R/O VILLAGE-
SARAUNJA, P.S.- BIRPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
08.08.2022 in connection with Birpur P.S. Case No. 84 of 2021,
F.I.R. dated 01.07.2021 registered for the offence punishable
under Sections 302/120(B) of IPC.

The FIR of the occurrence of murder is against
unknown.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Petitioner is not named in the
FIR. The name of the petitioner has been transpired during
investigation on the basis of the confessional statement recorded



by the prosecution of one Ajay Kumar. Further submits that there is no eye witness of the alleged occurrence and only on the basis of the suspicion, the name of the petitioner has falsely been implicated in the present case and coupled with the fact that the petitioner is father of the girl, namely, Puja Kumari and the deceased was in love with Puja Kumari. Learned counsel for the petitioner further submits that Ajay Kumar was touched with the daughter of the petitioner even after the present occurrence and it raised suspicion with respect to the involvement of the petitioner in the present case. Further submits that on the basis of the statement of Ajay Kumar, the petitioner has falsely been implicated in the present case. Further submits that except the statement of Ajay Kumar and suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate-1st, Begusarai in connection with Birpur P.S. Case No. 84 of 2021, with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Nitesh/-

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

