

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65899 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- KHAJEKALA District- Patna

Piyush Sharma S/O Pawan Sharma Resident Of Village- Keshav Rai Lane,
Near Polish Factory, P.S.- Khajekalan, District- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Jhunhunwala, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sessions
Trial No. 1080 of 2022 arising out of Khajekalan P.S. Case No.
94 of 2022 registered for the offence under Sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 08.04.2022.

The allegation against the petitioner is to commit
murder of the son of informant alongwith other named co-
accused persons by causing firearm injuries due to previous



enmities arises out of neighbourhood disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of named co-accused persons, in furtherance of which, no incriminating material recovered/surfaced during the course of investigation, which may implicate petitioner in present set of occurrence of murder. It is also submitted that informant is claiming himself as an eye-witness of the occurrence, as per the face of FIR but despite of same failed to identify the petitioner, who is the next door neighbour. It is also pointed out that petitioner involved in three more criminal cases, where he is on bail. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating material surfaced during the course of investigation in furtherance of confessional statement to connect this petitioner in present set of occurrence, coupled with the fact that charge-sheet has been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Sessions Trial No. 1080 of 2022 arising out of Khajekalan P.S. Case No. 94 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Patna City, District- Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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