

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75073 of 2022

Arising Out of PS. Case No.-402 Year-2022 Thana- CHANPATIA District- West Champaran

BITTU SHARMA @ RAJENDRA SHARMA S/o Biraj Sharma R/o Village-
Jinwaliya, P.S.- Chanpatia (Sirisia O.P.), Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.08.2022 in connection with Chanpatia (Sirisia) P.S. Case No.
402 of 2022 (G.R. No. 3620/2022), F.I.R. dated 05.06.2022 for
the offences punishable under Sections 147, 148, 149, 323, 341,
324, 302 of the Indian Penal Code.

According to prosecution case, in brief, is that the date
and time of occurrence the informant's brother Arjun Kumar
was at home, all the accused persons including the petitioner
variously armed with bear, farsa and talwar, came on the door of
the informant and caught the brother of the informant and took
away on road and started beating when the informant try to
rescue the accused person attack on him who fled away, all the



F.I.R. named accused persons kill Arjun Kumar.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Chanpatia (Sirisia) P.S. Case No. 326 of 2022 and Chanpatia (Sirisia) P.S. Case No. 298 of 2022 lodged by the petitioner against the informant and his deceased brother. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt-act against the petitioner and there is general and omnibus allegation against the co-accused persons including the petitioner. He further submits that similarly situated, co-accused, namely, Jagarnath Sharma @ Jagranath Sharma and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 09.01.2023 passed in Cr. Misc. No. 62136 of 2022 and another co-accused persons namely, Viraj Sharma and others have been granted anticipatory bail by a coordinate Bench of this Hon'ble Court vide order dated 08.02.2023 passed in Cr. Misc. No. 68158 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.08.2022.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia (Sirisia) P.S. Case No. 402 of 2022 (G.R. No. 3620/2022), subject to 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 absence on two consecutive dates without sufficient reason, his 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)

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