

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67771 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- BAKHARI District- Begusarai

BHOLA SHARMA S/O Ramdeo Sharma R/O Village- Mauzi, P.S- Bakhari,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujit Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the Indian Penal Code.

According to the prosecution case, co-accused Dipak
Kumar brutally assaulted the deceased, Madan Sharma on his
head as a result of which he died on the spot.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. that there is general and omnibus
allegation against the petitioner and no specific allegation of
assault is attributed to him rather the specific allegation of
assault by means of bamboo is attributed to the co-accused,



Deepak Kumar. Moreover, the co-accused, namely, Mithlesh Sharma @ Mithlesh Kumar, Babita Devi @ Babita Kumari and Madhu Devi @ Madhu Kumari have been granted bail by a co-ordinate Bench of this Court vide order dated 24.02.2023, 20.03.2023 and 29.09.2022 passed in Cr. Misc. No. 64590 of 2022, Cr. Misc. No. 71979 of 2022 and Cr. Misc. No. 51228 of 2022, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.08.2022

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the petitioner along with others have assaulted the deceased with bamboo and lathi resultantly the victim died on the spot.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Bakhari P.S. Case No. 176 of 2022 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 canceled 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.

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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