

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11883 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- SAUR BAZAR District- Saharsa

Briendera Sharma Son of Late Khokho Sharma @ Khokha Sharma R/o village- Gamhariya, hatta tola, Ward No. -8, P.S.- Saurbazar, (Bajjnathpur O.P.) and Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Saurbazar P.S. case No. 237 of 2023 instituted for the offences under Sections 302/34 of the Indian Penal Code and later on charge-sheet was submitted under Sections 306, 201, 34 of the Indian Penal Code.

3. Prosecution cas, in short, is that on 01.05.2023 at about 08:00AM informant got telephonic information that his daughter has been killed by the petitioner and other accused persons for demand of rupees one lakh. It is further alleged that when the informant inquired from his son-in-law on phone, he told that informant's daughter has died due to train accident



whereas her dead body was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and has not committed any offence as alleged in the FIR. Petitioner is the husband of the deceased. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 12.01.2024 passed in Cr. Misc. No. 73585 of 2023. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.05.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection with Saurbazar P.S. case
No. 237 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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