

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15349 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- SINGHESHWAR District- Madhepura

Shambhu Sharma @ Shambhu Kumar Sharma, Son of Devi Sharma @ Dev Narayan Shurma, R/O Village- Kataiya, Ward No.- 06, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 386 of 2023, arising out of Singheshwar P.S. Case No. 131 of 2023, registered for the alleged offences under Sections 302 and 201/34 of the Indian Penal Code.

3. As per prosecution case, dead body of the husband of the informant was recovered and the informant showed her suspicion that co-accused persons murdered her husband due to some previous altercation which took place between the husband of the informant and the co-accused Gunsagar Sharma. The name of the petitioner surfaced in the confessional



statement of co-accused Lambu Sharma @ Rishu Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after delay of one day for which there is no satisfactory explanation. There is no eye witness to the occurrence and the informant has falsely implicated the petitioner and other co-accused persons. Even in the FIR, the name of the petitioner is not mentioned. Moreover, the apprehension of the informant is based on her suspicion that previously some altercation took place between the deceased and the co-accused Gunsagar Sharma and for this reason he might have killed her husband. From the description of the dead body in the FIR, it appears that the deceased got electrocuted and died due to the electric shock. Even postmortem shows the cause of death to be asphyxia due to smothering and shock due to ante-mortem injury. The petitioner has got no criminal history. The petitioner is in custody since 17.05.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner submitting that the name of the petitioner came up during investigation for being involved in the murder of husband of the informant.



6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the lack of any substantive material against the petitioner to connect him with the offence as alleged and further considering the period of custody of the petitioner, submission of charge sheet and his clean antecedent, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Madhepura/concerned court, in connection with Sessions Trial No. 386 of 2023, arising out of Singheshwar P.S. Case No. 131 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be



liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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