

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15070 of 2024

Arising Out of PS. Case No.-35 Year-2018 Thana- UDAKISHUNGANJ District- Madhepura

1. Akhilesh Sharma Son Of Late Dhanpati Sharma Resident Of Village - Navtol, P.S. - Udakishunganj, District - Madhepura
2. Ranveer Sharma Son Of Ram Vilas Sharma @ Ram Bilash Sharma Resident Of Village - Navtol, P.S. - Udakishunganj, District - Madhepura
3. Amit Sharma Son Of Akhilesh Sharma Resident Of Village - Navtol, P.S. - Udakishunganj, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the State : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mrs. Pawan Kumar, learned counsel for the petitioners and Mr. Pradeep Narain Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Udakishunganj P.S. Case No. 35 of 2018, F.I.R. dated 09.02.2018 for the offences punishable under Sections 447, 504, 379, 506, 428 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with others are said to have committed fishing in huge quantity of fish from the pond of the informant by sprinkling poison.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that the I.O. of the case had given the benefit under Section 41(1) of the Cr.P.C. to the petitioners and released the petitioners on bail thereafter the police has submitted charge-sheet against the petitioners and thereafter the learned Court below had taken cognizance against the petitioners. He further submits that merely on the basis of suspicion the petitioners have been made accused in the present case.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 35 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. Petitioners 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.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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