

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17354 of 2024

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

Sukhsagar Sharma Son of Devi Sharma Resident of Vill.-Kataiya, Ward
No.06, P.S.-Singheshwar, Distt.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Singheshwar P.S. Case No. 131 of 2023, registered on 16.05.2023 for the offences under Sections 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 petitioner murdered her husband due to some previous altercation which took place between the husband of the informant and the co-accused Gunsagar Sharma.

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. 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.

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 the husband of the informant.

6. Having regard to the fact and circumstances and the submission made on behalf of the parties and also considering the lack of any substantive material against the petitioner to connect him with the offence as alleged, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from

today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Madhepura/concerned court in connection with Singheshwar P.S. Case No. 131 of 2023, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other 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 below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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