

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22757 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- SAUR BAZAR District- Saharsa

SHAMBHU SHARMA @ SHAMBHU KUMAR Son of Late Butan Sharma
@ Butan Sutihar Resident of Village-Kabela Chowk, Ward No.-9, Rahua,
P.S.-Saurbazar, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-04-2024 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. 60 of 2023 instituted for the offence
under Sections 279, 337, 338, 341, 323, 302, 379, 504, 506, 34
of the Indian Penal Code.

3. As per prosecution case, in short, is that on account
of dashing the motorcycle with a cycle, the son of the informant
was assaulted by the accused persons including the petitioner
due to which he sustained injuries and later on died in course of
treatment.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 01.10.2023. Petitioner



bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of four days in lodging the FIR. The informant is not an eye witness of the alleged occurrence. During the course of investigation, the statement of Barkat was recorded, which is mentioned in Paragraph-6 of the case diary, in which he stated that he has stated about the said occurrence to the informant. The Post-mortem Report suggests only one injury on the body of the deceased hence it does not corroborate with the allegation made in the FIR. General and omnibus allegation has been made against the petitioner. After investigation the police submitted charge-sheet under Section 304 of the Indian Penal Code. Co-accused have been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 85307 of 2023 and 11620 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case and judicial custody of the petitioner, as well as claim based on parity, this Court is inclined to grant bail to the



petitioner.

8. 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. 60 of 2023. Subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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