

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37558 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- HULASGANJ District- Jehanabad

Kamlesh Sharma Son of Late Sidheshwar Singh @ Sidheshwar Sharma
Resident of Village - Kewla, P.S.- Hulasganj, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Bharat Lal

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

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hulasganj P.S. Case No. 126 of 2023 instituted for the offences under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the accused persons including the petitioner is of firing upon the uncle of the informant, namely, Santosh Kumar, due to which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of



the petitioner has come into light on the basis of confessional statement of co-accused Ravindra Sharma @ Ravindra Singh, which has no evidentiary value in the eyes of law. The petitioner has got no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in this case. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 07.03.2024 passed in Cr. Misc. No. 14370 of 2024. The petitioner is in custody since 28.02.2024 and has two criminal antecedents.

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

6. Considering the facts and circumstances of the case, 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 Hulasganj P.S. Case No. 126 of 2023, Subject to 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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