

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48316 of 2024

Arising Out of PS. Case No.-124 Year-2020 Thana- VISHNUPAD District- Gaya

Mukesh Kumar Sharma @ Mukesh Kumar Son of Kedar Singh @ Kedar
Sharma Resident of Mohalla- Brahmani Ghat,P.S.- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal. Sr. Adv.

Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-08-2024 1. Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Vishnupad Police Station Case No. 124 of 2020, registered for the offences punishable under Sections 302/120-B of the Indian Penal Code and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that co-accused persons called the brother of the informant from his house and took him with them for celebrating party near the bank of river Falgu and it has further been alleged that the petitioner, with the help of his brother Dhananjay Sharma, has killed the brother of



the informant by firing gun shot upon him.

4. Learned Senior counsel for the petitioner submits that petitioner has falsely been implicated in this case merely on suspicion inasmuch as there is no eye-witness to the alleged occurrence. He further submits that only suspicion has been raised against the petitioner and no material has come during the course of investigation in order to connect the petitioner with the present offence. He further submits that the police has submitted final form against the brother of the petitioner and others not sending them for trial, which falsified the entire prosecution story. He further submits that petitioner is in custody since 18.12.2023. He next submits that all other co-accused persons, except Vishnu Kumar, have been granted bail by this Court.
5. On the other hand learned counsel for the State referring to the case diary submits that petitioner has killed the brother of the informant.
6. Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioner is in custody since 18.12.2023, there is no eye-witness to the alleged occurrence, all other co-



accused persons, except Vishnu Kumar, have been granted bail by this Court and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya, in connection with Vishnupad Police Station Case No. 124 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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