

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47823 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Sharma Turha S/O Sudama Turha, R/O Village- Chikwaliya (Birwat), P.S-
Vijaipur, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Mr. Lokesh Kumar Singh, the learned
counsel for the petitioner and Mr. Ajay Kumar Jha, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
11.02.2024, in connection with Vijaipur (Bijaipur) P.S. Case No.
167 of 2023, FIR dated 26.06.2023, registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
307, 302, 427 and 120(B) of the Indian Penal Code.

3. According to the prosecution case, while the
informant's brother was fixing the ridge of his land, the accused
persons along with ten to twelve unknown accused persons,
variously armed, came there and assaulted the informant's
brother. It is further alleged that one Amrendra Yadav repeatedly
assaulted on the head of informant's brother by means of *danda*



and Birbal Yadav inflicted *bhala* blow in the right rib of informant's brother due to which he later died. It is further alleged that when the informant and his nephew came to his rescue, they were also assaulted by the accused persons.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the allegation against the petitioner is that he along with other co-accused person namely, Kabilash Sahani has made conspiracy and due to which, the present occurrence has taken place. He further submits that except the aforesaid, no other cogent material has come during investigation, which suggests the involvement of the petitioner in the present occurrence. He further submits that upon perusal of the FIR it appears that there is specific allegation against the co-accused persons that they had assaulted the deceased and a similarly situated co-accused person namely, Kabilash Sahani @ Kabilas Sahani @ Kabilas Mallah has been granted bail by a co-ordinate Bench of this Court vide order dated 13.12.2023, passed in Cr. Misc. No. 70547 of 2023. He lastly submits that the police after investigation has submitted



chargesheet against the petitioner and the petitioner is in judicial custody since 11.02.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits petitioner carries two criminal cases other than the present, but fairly admits that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act attributed against the petitioner and a co-accused person has been granted bail by a co-ordinate Bench of this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Gopalganj, in connection with **Vijaipur (Bijaipur) P.S. Case No. 167 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall



be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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)

Shahnawaz/-

U		T	
---	--	---	--

