

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58366 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- SANGRAMPUR District- Munger

Satish Sharma @ Satish @ Chhatish Sharma, S/O- Sri Prakash Sharma @
Prakash Shrma, R/O Village- Kari Koal, Pouria (Jhunhunja), P.S-
Sangrampur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62312 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- SANGRAMPUR District- Munger

Suraj Jha @ Ravi Jha, Son of late Vijay Shankar Jha, resident of village-
Supour Jamua, p.s.-Sangrampur, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58366 of 2023)

For the Petitioner/s : Mr. Kumar Kamal Nayan, Adv.
Mr. Sudhanshu Trivedi, Adv.

For the Opposite Party/s : Mr. Suresh Pd. Singh, APP

(In CRIMINAL MISCELLANEOUS No. 62312 of 2023)

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 05-01-2024 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being heard and decided together by a common order.
2. Heard learned counsels for the petitioners and the learned APPs for the State.



3. Petitioners seek regular bail in connection with S.T. No. 90 of 2023 arising out of Sangrampur P.S. Case No. 146 of 2022 dated 01.06.2022 registered for the offence(s) punishable under Section(s) 302 and 120B read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. This is second attempt of the petitioners for the relief of regular bail after their earlier bail prayer was rejected by this Bench vide order dated 16.02.2023 passed in Cr. Misc. Nos. 54348/2022 and 57448/2022 respectively preferred by the petitioners.

5. The fresh grounds taken by the petitioners for the relief of regular bail are their long custody period and examination of one material witness namely Mahesh Kumar. It is submitted by learned counsel for the petitioners that both the petitioners have been languishing in jail for last 1½ year and in the FIR, there is no specific allegation against them, though during course of investigation, one witness Mahesh Kumar claimed to have seen the alleged occurrence as he was accompanying the deceased at the time of commission of the alleged occurrence and considering this aspect, the earlier bail prayer of both the petitioners was rejected by this Bench but now the said person has been examined before trial court whose



deposition's copy has been filed by way of supplementary affidavit and he has been declared hostile before the trial court and another witness Amit Kumar has also been declared hostile and against the petitioners, there is criminal antecedent of only one case each, which was lodged under the offence of Excise Act and others.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Though against the petitioners, there is serious allegation but considering this fact that the material witness namely Mahesh Kumar, who has been examined, has been declared hostile and the petitioners have been languishing in jail for last 1½ year, in my opinion, in the said circumstances the petitioners now deserve to the privilege of bail. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with S.T. No. 90 of 2023 arising out of Sangrampur P.S. Case No. 146 of 2022, on following conditions :-

(i) Petitioners shall co-operate in the trial and will be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bonds will be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioners who has sworn affidavit in these miscellaneous petitions.

(Shailendra Singh, J)

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