

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63894 of 2024

Arising Out of PS. Case No.-187 Year-2022 Thana- SIDHWALIYA District- Gopalganj

Kamlesh Sharma @ Kamlesh Thakur S/O Punit Thakur R/O Village- Husseni,
Mangalpur, P.S- Khajuria, Distt.- East Champaran (Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mrs. Mira Kumari, Advocate Ms. Ankita Roy, Advocate
For the State	:	Mr. Zainul Abedin, APP
For the Informant	:	Mr. Raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mrs. Nivedita Nirvikar, learned senior counsel
for the petitioner, Mr. Raja Ram Mishra, learned counsel
appearing on behalf of the informant as well as Mr. Zainul
Abedin, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.08.2023 in connection with S. Tr. No. 836 of 2023 arising out
of Sidhwalia P.S. Case No. 187 of 2022, F.I.R. dated 05.06.2022
for the offences punishable under Sections 147, 148, 149, 341,
323, 324, 307, 302, 120B, 504 and 506 of the Indian Penal
Code.

3. According to prosecution case, co-accused persons,
Shiv Balak Sharma and Amarlal Sharma along with 4-5 accused
persons have brutally assaulted the family members of the
informant due to which informant's husband, namely, Lal
Kishore died and one Rambabu Sharma also died during the



course of treatment.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that although petitioner is named in the F.I.R but there is no allegation of any assault or overt act attributed against the petitioner. The only allegation against the petitioner is that he has provided the weapon for crime in question. She further submits that from perusal of the F.I.R it appears that the F.I.R has been instituted after delay of one day without giving any explanation of the said delay. She further submits that witnesses have stated that the petitioner was not present at the place of occurrence. She further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.08.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District



and Sessions Judge, Gopalganj in connection with S. Tr. No. 836 of 2023 arising out of Sidhwalia P.S. Case No. 187 of 2022, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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)

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