

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60187 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- SINGHESHWAR District- Madhepura

Lambu Sharma @ Rishu Kumar Son Of Strughan Sharma @ Shatru Dhan
Sharma Resident Of Village - Katiaya, Ward No.06, P.S. - Singheshwar,
District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 386 of 2023, arising out of Singheshwar P.S. Case No. 131 of 2023, registered on 16.05.2023 for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

3. As per prosecution case, dead body of the husband of the informant was recovered and the informant showed her suspicion that petitioner and co-accused persons murdered her husband due to some previous altercation which took place between the husband of the informant and the co-accused Gunsagar Sharma.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after delay of one day for which there is no satisfactory explanation. There is no eye witness to the occurrence and the informant has falsely implicated the petitioner and other co-accused persons. Moreover, the apprehension of the informant is based on her suspicion that previously some altercation took place between the deceased and the co-accused Gunsagar Sharma and for this reason he might have killed her husband. From the description of the dead body in the FIR, it appears that the deceased got electrocuted and died due to the electric shock. Even postmortem shows the cause of death to be asphyxia due to smothering and shock due to ante-mortem injury. The petitioner is in custody since 01.07.2023 and has got no criminal history.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner submitting that the name of the petitioner came up during investigation for being involved in the murder of the husband of the informant.

6. Having regard to the fact and circumstances and the submission made on behalf of the parties and also considering the lack of any substantive material against the petitioner to connect him with the offence as alleged and further



considering the period of custody of the petitioner, the petitioner above named is directed to 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 learned Additional Sessions Judge-III, Madhepura/concerned Court in connection with Sessions Trial No. 386 of 2023, arising out of Singheshwar P.S. Case No. 131 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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