

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69701 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Devendra Kumar Sharma @ Nikky Son of Chhotelal Sharma, Resident of
Mohalla / Village - Jitwarpur Kumhra, P.S. - Sarairanjan, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Musrigharari P.S. Case No.132 of 2022 corresponding to Sessions Trial No.668 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution case, the son of the informant used to work as vendor of Gas Cylinder in Shivani Rural Gas Distribution. While his son was returning after distributing Gas Cylinder, some unknown criminals intercepted him and in course of looting his money, they shot fire, due to which he died.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was arrested in Musarigharari P.S. Case No.136 of 2022 and on the basis of his confessional statement he has been implicated in six criminal cases. He also submits that no incriminating material has been recovered from the conscious possession of the petitioner and he is in custody since 21.09.2022. Learned counsel submits that similiary situated co-accused persons namely Alok Kumar and Ajeet Kumar @ Sunny have been granted bail by the Co-ordinate Benches of this Court vides orders dated 04.05.2023 & 16.05.2023 passed in Cr. Misc. No.11369 of 2023 & Cr. Misc. No.6547 of 2023.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIII, Samastipur, District Samastipur in connection with Musrigharari P.S. Case No.132 of 2022 corresponding to Sessions Trial No.668 of 2022, subject to



following conditions:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) The petitioner will remain present on each and every date of trial till disposal of the case.
- (iii) The petitioner will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Sunil Dutta Mishra, J)

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