

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70145 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- BELHAR District- Banka

Nikhil Sharma S/O Late Nihar Sharma R/O Villag- Bishwakarma Tola, P.S-
Belhar (Khesar), Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 70187 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- BELHAR District- Banka

Aman Sharma @ Kajal Sharma S/O Late Nihar Sharma Village-
Bishwakarma Tola, Ps. Belhar (Khesar), Dist. Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 70145 of 2023)
For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Shailendra Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 70187 of 2023)
For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners have prayed for regular bail in a
case registered for the offence punishable under Sections 302
and 34 of the Indian Penal Code.

3. As per FIR, the allegation against the petitioners



and co-accused persons is that due to previous land dispute they committed murder of the informant's husband by assaulting him Dabiya and iron rod.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case due to dirty village politics and rivalry. There is no eye witness of the alleged occurrence. The F.I.R. has been lodged after the delay of three days from the date of occurrence. It is further submitted that many persons are named in the FIR but specifically it has not been stated that who assaulted the deceased by which arms so general and omnibus allegation is made out against the petitioners. Similarly situated co-accused namely, Vikram Sharma has already been granted bail by this Bench vide order dated 03.01.2023 passed in Cr. Misc. No. 64781 of 2023. Moreover, the petitioners are languishing in judicial custody since 07.08.2023.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of Bail.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail **after framing of charge, if not framed.** The above named petitioners are directed to be released on bail in connection with Belhar (Khesar) P.S. Case No. 48 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka on following conditions:-

(i) The petitioners shall co-operate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the Court below.

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

(iii) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail-bond will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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