

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74338 of 2023

Arising Out of PS. Case No.-470 Year-2022 Thana- BIHPUR District- Bhagalpur

Awadhesh Sharma, Son Of Kailash Sharma R/O Village - Tihay, P.S.-
Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Bihpur (Bhawanipur) P.S. Case No. 470 of 2022 for the offences
registered under Sections 302/120(B)/34 of the Indian Penal
Code and Section 27 of Arms Act.

3. As per the prosecution case, on the date of
occurrence informant went with one Sanjiv Kumar Singh at
Mirkal Jalkar by crossing the river where petitioner along with
other co-accused persons were present. They started firing upon
them which hit Sanjiv Kumar Singh who died on the spot. The
informant also got injury on his leg but somehow he managed to
flee away from there.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case due to previous enmity. Petitioner has no criminal antecedent. He is in custody since 21.02.2023. He further submits that after *Fardbeyan* informant has never turned up for reinstatement of the I.O. and the prosecution case seems to be doubtful. Charge-sheet has already been submitted in this case. There is no chance of tampering with the evidence or absconding of the petitioner. Similarly situated co-accused, namely, Dhruv Singh @ Dhruv Kumar @ Dhruv Kumar has already been granted bail by a Co-ordinate Bench of this Court, vide order dated 12.05.2023 passed in Cr. Misc. No. 18080 of 2023. Learned counsel for the petitioner further submits that independent witnesses have not supported the case of the prosecution with respect to the allegation against the petitioner.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioner, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in



connection with Bihpur (Bhawanipur) P.S. Case No. 470 of
2022.

(Sunil Dutta Mishra, J)

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