

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78083 of 2023

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

=====

Pappu Sharma S/O Nage Sharma R/O- Village- Raipur, P.S.- Bihpur, Dist.- Bhagalpur.

... .. 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 : Mr.Anand Kishore Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bihpur (Bhawanpur) P.S. Case No. 470/2022 lodged on 01.09.2022 under Sections 302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against 9 named accused persons and 4-5 unknown alleging therein that the petitioner and two other co-accused persons have resorted fire upon the informant and one Sanjeev Sharma, as a result of which, Sanjeev Sharma died and the informant got injured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The



petitioner has been made accused in the present case only due to the reason that the antecedent of the petitioner is not clean as the petitioner is accused in six more criminal cases. In two cases, he has been acquitted whereas in four cases, he is on bail. The petitioner is in custody since 28.02.2023. Exactly, similarly situated co-accused namely, Awadhesh Sharma has been granted bail by a co-ordinate Bench of this Court vide order dated 12.02.2024 passed in Criminal Miscellaneous No. 74338 of 2023.

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that co-accused Awadhesh Sharma has been granted bail and the allegation levelled against the petitioner and co-accused Awadhesh Sharma is the same, but the antecedent of Awadhesh Sharma is clean whereas the antecedent of the present petitioner is not clean. Hence, at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration.

5. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware about the fact whether the charge has been framed or not.

6. In the present facts and circumstances of this case



and the submissions made above while directing the trial Court to conclude the trial at the earliest, let the petitioner above named be released on bail, **but only after three montsh of the framing of charge, if not framed,** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Naugachia, Bhagalpur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

