

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84465 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- NAUBATPUR District- Patna

Satyendra Kumar @ Satyendra Sharma, Sonof Late Madan Sharma, R/O
Village- Samanpura, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Raj Kishore Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-12-2024 Heard Mr. Ansul, learned Advocate for the petitioner
and learned APP for the State.

2. At the outset, Mr. Raj Kishore Prasad, learned Advocate submits that he is in receipt of Vakalatnama on behalf of informant and the same shall be filed in course of the day.

3. The petitioner seeks regular bail, who is in custody in connection with Naubatpur P.S. Case No. 348 of 2024 registered for the offences punishable under Sections 341, 323, 302, 504, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. The prosecution alleges that on 27.06.2024 in the evening, the son of the informant went to market on the motorcycle and when he did not return and despite making call when he did not pick up the same, suspecting some foul play,



the informant along with his wife went to the market. In the way, they found that all the F.I.R. named accused persons surrounded his son and on the dictate of co-accused Dharmendra Sharma, co-accused Dharmendra and Sunny fired upon him, which proved fatal. The reason behind the said occurrence is said to be that earlier the informant had lodged Naubatpur P.S. Case No. 325 of 2024 against the petitioner along with others, who were indulged in threatening the informant and the deceased to withdraw the said case, which was denied by the informant.

5. Learned Advocate for the petitioner drawing the attention of this Court to the narrations made in the F.I.R. submitted that admittedly the petitioner was not even present on the place of occurrence, however, only on account of suspicion that earlier the informant had instituted Naubatpur P.S. Case No. 325 of 2024 against the petitioner and others, his name has been implicated in this case. Save and except the suspicion, there is no material suggesting the complicity of the petitioner in the crime. Moreover there is on going land dispute between the parties, as the petitioner's family had also filed Naubatpur P.S. Case No. 324 of 2024 against the informant's family. It is next contended that be that as it may, the co-accused person, who is



said to be involved in causing death of the deceased have been allowed the privilege of bail in Cr. Misc. No. 70405 of 2024 vide order dated 03.10.2024. It is lastly contended that the petitioner is a retired Army personnel and now he has been incarcerated since 29.07.2024; the investigation of the crime is complete and charge-sheet has been submitted.

6. On the other hand, learned APP for the State and the informant vehemently oppose the bail application and submit that the motive of causing death of the deceased is writ large, as there is ongoing land dispute and the petitioner was indulged in threatening the deceased, coupled with the fact that the petitioner also bears one criminal antecedent.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the suspicion, there is no other material suggesting the complicity of the petitioner in the crime, coupled with the fact that the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, 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 Chief Judicial Magistrate-VI, Danapur in connection with Naubatpur P.S. Case No. 348 of



2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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