

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3041 of 2025

Arising Out of PS. Case No.-302 Year-2024 Thana- KHIJARSARAI District- Gaya

Subodh Sharma @ Subodh Kumar S/o Ganesh Singh @ Ganesh Sharma
Resident of Village- Uchauli, P.S.- Khizersarai, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Khizersarai P.S. Case No. 302 of 2024 instituted for the offences
under Sections 108, 238, 85, 3(5) of the Bhartiya Nyaya
Sanhita, 2023.

3. As per prosecution case, the accusation against the
petitioner is of instigating the victim deceased by way of
torturing and assaulting the deceased which led to commit
suicide by hanging.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner is the father of the deceased as well as father-in-law of the Informant. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that not a single evidence of any overt act has come against the petitioner in the entire record of the case suggesting his complicity in the alleged offence. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.11.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature of causing death of Informant's husband. He further submits that the dead-body of the deceased was cremated without informing to the police. The witnesses in Para 5 & 6 of the case diary have supported the prosecution case. The Informant in the re-statement has also supported the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner and there being no specific and direct allegation against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khizersarai P.S. Case No. 302 of 2024.

(Rudra Prakash Mishra, J)

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