

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3988 of 2025

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

Yogendra Sharma Son of Late Madan Sharma Resident of Village -
Samanpura, P.S. - Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sakshi Bhatnagar, Adv.

For the Opposite Party/s : Mr. Satendra Narayan Singh, APP

For the Informant : Mr. Kritu Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2025 Heard the learned Advocate for the petitioner, learned
Advocate for the informant and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Naubatpur P.S. Case No. 348 of 2024,
registered for the offence punishable under Sections 341, 323,
302, 504 and 120(B)/34 of the Indian Penal Code, Section 27 of
the Arms Act and Sections 126(2), 115(2), 103, 352 and 61(2) of
the B.N.S. Act.

3. Allegedly, on 27.06.2024 in the evening, the son of
the informant went to market on his motorcycle, but 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
FIR named accused persons surrounded his son. It is specifically
alleged that on the dictate of co-accused *Dharmendra Sharma*,



co-accused *Dharmendra* and *Sunny* fired upon the son of the informant, which proved fatal. The reason for such occurrence is said to be that earlier the informant has instituted Naubatpur P.S. Case No. 325 of 2024 against some of the accused persons and they were making threatening to withdraw the case, which was denied by the informant.

4. Learned Advocate for the petitioner drawing the attention of this Court to the written report contended that admittedly the petitioner was standing along with other co-accused persons, holding an iron rod in his hand, but there is no allegation of any active participation against the petitioner. Moreover, the informant, who is claiming himself to be an eyewitness has categorically stated that on the exhortation made by co-accused *Dharmendra Sharma*, co-accused *Dharmendra* and *Sunny* fired upon the son of the informant. Submission has been made that co-accused Lalji Sharma @ Laljee Sharma, who was facing identical allegation, has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 70405 of 2024 vide order dated 03.10.2024. Further one another co-accused Satyendra Kumar @ Satyendra Sharma has also been allowed the privilege of regular bail by this Court in Cr. Misc. No. 84465 of 2024 vide order dated 20.12.2024. It is further contended that the petitioner bears one criminal antecedent, as has been



disclosed in supplementary affidavit and now, the petitioner has been incarcerated since 12.09.2024.

5. On the other hand, learned APP for the State and the learned Advocate for the informant vehemently opposes the bail application and submits that the petitioner is one of the accused in Naubatpur P.S. Case No. 325 of 2025 and it is the petitioner and co-accused persons, who were engaged in threatening the informant and his son and when they did not succumbed to their pressure, all the accused persons by hatching a conspiracy, killed the son of the informant in broad day light.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the accused persons, having identical allegation, have been allowed the privilege of regular bail, coupled with the fact that the investigation of the crime is complete and the 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 A.C.J.M. 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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