

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10364 of 2025

Arising Out of PS. Case No.-155 Year-2024 Thana- BASANHI District- Saharsa

Jaglal Sharma @ Budhdhan Sharma S/O Late Punay Sharma R/O Vill.-
Bargaon, P.S.- Basnahi, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Basnahi P.S. Case No. 155 of 2024 registered for the alleged offences under Sections 140(3) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the sister of the informant went outside her house to attend the call of nature and did not return. Subsequently, a skeleton was found and it was identified by the brother-in-law of the informant to be the skeleton of his wife, the sister of the informant. The name of the petitioner transpired during investigation as the person who was involved in committing murder of sister of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Initially, neither the informant nor the sister-in-law of the deceased named this petitioner for being involved and the name of petitioner came up for the first time in statement of the husband of the victim lady who raised his suspicion that the petitioner might be involved in missing of his wife. The alleged recovery at the instance of the petitioner was stated to be at 18:15 hours on 02.10.2024, but from the record, it appears that the statement of the petitioner was recorded at 20:00 hours on 02.10.2024. This shows the recovery was made earlier and subsequently, it was shown as recovery at the instance of the petitioner. The inquest report and postmortem report also create doubt over the prosecution case. The petitioner is in custody since 03.10.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that recovery of weapon used in murder as well as articles belonging to the deceased were made at the instance of this petitioner and this shows the involvement of the petitioner in the alleged occurrence.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation and also considering the period of



custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to 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 learned Judicial Magistrate-1st Class, Saharsa/court concerned in connection with Basnahi P.S. Case No. 155 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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