

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17065 of 2025

Arising Out of PS. Case No.-196 Year-2024 Thana- TARARI District- Bhojpur

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1. Chhotu Sharma @ Nihir Kumar S/O Fhani Sharma R/O Vill.- Badagawn, P.S- Tarari, District- Bhojpur
 2. Deepak Sharma @ Praveen Kumar S/O Shankh Sharma R/O Vill.- Badagawn, P.S- Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
	:	Mr. Adarsh Singh, Advocate
	:	Mr. Abhinav Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 30-06-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Tarari P.S. Case No. 196 of 2024 instituted for the offences under Sections 103, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution story, in short, is that, the petitioners along with other co-accused persons tied up hands and legs of the informant's son with rope and assaulted him. The informant pleaded them to stop assaulting him but they did not listen to him and in the meantime, he informed the police and, thereafter, admitted his son to the hospital, where the victim succumbed to



injuries during treatment.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against these petitioners. No specific overt act is alleged against these petitioners. Learned counsel further submitted that as a matter of fact, deceased was a drunkard and was a known thief in the village and on the alleged date, he was caught red handed committing theft from the shop of the father of petitioner no.2, thereafter, the villagers caught him and tied his hands and legs and assaulted him. It has been submitted on behalf of the petitioners that the petitioners are in custody since 01.11.2024 and have no criminal antecedent. The co-accused persons have already been granted bail by this Court vide order dated 30.04.2025 passed in Cr. Misc. No. 5327 of 2025 and Cr. Misc. No. 14562 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.



7. Let the petitioners be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tarari P.S. Case No. 196 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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