

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20711 of 2025

Arising Out of PS. Case No.-161 Year-2022 Thana- BIHARIGANJ District- Madhepura

Amit Sharma @ Makurchand Sharma Son of Suresh Sharma Resident of
village- Saraunia Kala, Ward No 11, PS- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Pawan Kumar
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2025 Heard Mr. N.K. Agrawal, learned Senior counsel for

the petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
26.07.2022, in connection with Sessions Trial No. 319 of 2022
arising out of Bihariganj P.S. Case No. 161 of 2022, F.I.R. dated
24.06.2022 registered for the offences punishable under
Sections 147, 148, 149, 447, 448, 341, 323, 324, 307, 302, 427,
379, 504, 506 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
thrice rejected vide orders dated 24.06.2023, order dated
01.03.2024, order dated 05.07.2024 respectively in Cr. Misc.
No. 10216 of 2023, Cr. Misc. No. 13236 of 2024 and Cr. Misc.



No. 31445 of 2024.

4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. The petitioner is in judicial custody since 26.07.2022 and the trial is not in progress. Although, the charge has been framed against the petitioner and other co-accused persons on 27.07.2023 itself and although there is specific allegation against the petitioner that he has assaulted to the father of the petitioner and he has died. He further submits that other co-accused person namely Rupak Sharma @ Rupan Sharma has been granted bail by this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 23509 of 2023, another co-accused person namely Suresh Sharma has been granted bail by a Coordinate Bench of this Court vide order dated 08.11.2023 passed in Cr. Misc. No. 18658 of 2023.

5. Vide order dated 04.04.2025, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 11.04.2025 reveals that out of seven chargesheeted witnesses, only two witnesses have been examined.

6. Learned Senior counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is



not concluded in near future and the petitioner is in custody since 26.07.2022 almost three years.

7. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case and the fact that other co-accused persons have been granted bail by this Court or by a Coordinate Bench of this Court and in view of the report of the learned Trial Court as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Madhepura in connection with Sessions Trial No. 319 of 2022 arising out of Bihariganj P.S. Case No. 161 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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