

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24991 of 2025

Arising Out of PS. Case No.-330 Year-2022 Thana- TEGHRHA District- Begusarai

Vishal Kumar Sharma S/o Vijay Lal Sharma R/o Village- Thakurichak, Ward
No. 09, Near Durgasthan, Garhara, P.S.- Teghrha, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2025 Heard Mr. Krishna Prabhat, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Teghra P.S. Case No. 330 of 2022, F.I.R. dated 01.12.2022 registered for the offences punishable under Sections 120(B), 302, 379 & 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution story, in brief, is that on 29.11.2022, after receiving a phone call, his father left the shop and when the informant tried to contact his father, the mobile phone was switched off. On search, the informant found his father along the roadside where police were present and informant's father was in injured position, and later on he died. The informant alleged that due to land and house dispute, one



Mr. Santosh Sharma, with Rameshwar Sharma is involved in this incident.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Vikash Kumar @ Vikash Kumar Sharma who happens to be the brother of the petitioner. He further submits that it appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 29.11.2022 but the present F.I.R. was instituted on 01.12.2022 after delay of about two days without giving any explanation of delay. He further submits that except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired on the basis of confessional statement of co-accused person who happens to be brother of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 330 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other 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 antecedent, 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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