

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47852 of 2025

Arising Out of PS. Case No.-466 Year-2023 Thana- BELAGANJ District- Gaya

Rajesh Kumar Sharma S/o- Late Shiv Kumar Prasad Singh @ Shiv Kumar Singh Resident of village- Patiyama House Ramna Road Ps- Civil Line Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Y. C. Verma, Sr. Advocate Mr. Rajesh Roy, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Shashank Shekhar, Advocate Mr. Ram Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-12-2025 Heard learned senior counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 307, 326, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act and later on, Section 302 of the Indian Penal Code was added.

3. Earlier, the petitioner moved before this Hon'ble Court for grant of anticipatory bail which was allowed vide order dated 05.03.2024 passed in Cr. Misc. No. 83292 of 2023. Thereafter, the informant moved before the Hon'ble Supreme Court for cancellation of bail of the petitioner which was



allowed vide order dated 05.05.2025 passed in Special Leave Petition (Criminal) No. 6741 of 2024 and the regular bail granted to the petitioner was cancelled and he surrendered before the learned trial court on 12.05.2025.

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. Informant is not an eye witness to the alleged occurrence. Petitioner is only alleged to be a conspirator and there is no material on record to suggest that this petitioner had any meeting with the other accused persons or there was any agreement between them to commit the alleged offence. Petitioner has falsely been implicated in this case only because he happens to be father of co-accused Sunita Kumari with whom, brother of the deceased, namely Ashutosh Kumar, has matrimonial dispute and a series of litigation are going on between the parties. It is further submitted that even in the re-statement of brother of the deceased, namely Ashutosh Kumar, this petitioner was not named as one of the assailant of the deceased. None of the witnesses has alleged to have seen this petitioner committing the alleged offence. As a matter of fact, the deceased was involved in illegal business of sand and might have been killed by the rivals. Petitioner has got no criminal



antecedents and he is in custody since 12.05.2025, i.e. more than six months and till date, charges have not been framed against this petitioner.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that he, along with other accused persons, in a planned conspiracy, committed murder of the deceased.

6. Considering the rival submissions advanced on behalf of the parties, facts and circumstances of the case, materials that have surfaced during course of investigation, fact that none of the witness have alleged to have seen this petitioner committing the offence, fact that till date, charges have not been framed against this petitioner which goes to show the slow and tardy progress, period of custody and clean antecedents of the petitioner, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in



connection with Belaganj P.S. Case No. 466 of 2023, with
following conditions:

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

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J)

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