

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88238 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- FALKA District- Katihar

Suryanand Sharma @ Suryanad Sharma S/O Late Baldev Sharma Village-
Harpur P.S- Baunsi District- Araria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Singh

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 21-01-2025 1. Heard the parties

2. Petitioner seeks regular bail in Falka P.S. Case No. 63 of
2024 dated 10.03.2024 registered under Section 302, 201 I.P.C.

3. As per the first information report lodged by the Choukidar
namely, Mithlesh Paswan stating that on 10.03.2024 he received
information about one unknown dead body which was lying on
road wrapped in a black blanket at Kursela-Forbesganj S.H.-77.
The informant rushed to the spot and saw the dead body which
was later on identified as the daughter of the co-accused Bhola
Sharma.

4. Learned counsel for the petitioner submits that petitioner
has falsely been implicated in this case along with his brothers
Bhola Sharma and Nandan Sharma @ Nandan Kumar Sharma at
the behest of Deepak Sharma against whom the deceased
namely Parwati Kumari had lodged an FIR stating that Deepak



Sharma, being the brother-in-law of the victim, along with the other co-accused persons had committed rape upon her. In the case lodged by the deceased bearing Araria Mahila P.S. 12 of 2024 instituted under Sections 341, 323, 376(D), 506, 376(AB) of I.P.C. the co-accused Deepak Sharma was arrested and his bail has been rejected by the learned Additional Sessions Judge cum Special POCSO Court, Araria by order dated 20.06.2024 taking into consideration the fact that the statement of the victim girl was recorded under Section 161 Cr.P.C. but before her statement under Section 164 Cr.P.C. could have been recorded, the victim has been murdered. He submits that bail application of Deepak Sharma (brother- in- law of the deceased) has also been rejected by this court. It is Deepak Sharma, who in order to save his skin from the F.I.R. lodged by the deceased under Section 376D and other allied Sections of the I.P.C. influenced the Police and got confessional statement recorded by the brother of the petitioner namely, Bhola Sharma stating therein that the petitioner along with co-accused killed Parwati Kumari due to her illicit relation with her brother-in-law Deepak Sharma. He next submits that the petitioner is in custody since 19.09.2024 and the father of the deceased Bhola Sharma has been granted regular bail by a co-ordinate Bench of this Court in



Cr. Misc. No. 59389 of 2024. Another brother of the father of the deceased and one of the co-accused person namely, Nandan Sharma @ Nandan Kumar Sharma has been granted anticipatory bail by this Court in Cr. Misc. No. 62881 of 2024 dated 09.12.2024.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that similarly situated co-accused persons have been granted bail, the petitioner is in custody since 19.09.2024 and there is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail, as such, I am inclined to grant regular bail to the petitioner.

6. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000 /- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Kavita Kumari, Judicial Magistrate 1st Class, Katihar in connection with Falka P.S. Case No. 63 of 2024.

praful/-

(Anil Kumar Sinha, J)

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