

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.730 of 2025**

Arising Out of PS. Case No.-80 Year-2001 Thana- VIJAYEPUR District- Gopalganj

Kamlesh Sharma @ Chandi Sharma S/o Dina Sharma Resident of village-  
Amwa Ghat, PS- Vijayepur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      03-04-2025                      Heard Mr. Pankaj Kumar Dubey, learned counsel for  
the petitioner and Mr. Choubey Jawahar, learned APP for the  
State.

2. The petitioner seeks bail in connection with S.Tr.  
No. 349 of 2009 arising out of Vijayepur P.S. Case No. 80 of  
2001 instituted for the offences under Sections 302, 201/34 of  
the Indian Penal Code and Section 27 of the Arms Act.

3. Accusation against the petitioner and his associates  
is of shooting deceased Chhabila Malah with a country-made  
pistol.

4. Learned counsel for the petitioner submitted that the  
present case is the case of misuse of privilege of bail earlier  
granted to the petitioner. Learned counsel further submitted that



on 01.08.2004 petitioner was granted bail by this Court, however, his bail bonds got cancelled on 29.01.2010 due to non-appearance. He further submitted that on 23.03.2010, the petitioner was granted bail by the learned court below, however, again on 13.08.2015, the bail bonds of the petitioner were cancelled due to non-appearance. He further submitted that on 15.07.2016 the proclamation against the petitioner was issued under Sections 82/83 of the Cr.P.C. and the petitioner was arrested and again on 30.10.2017 the petitioner was granted bail by the learned court below and once again, his bail bonds got cancelled on 17.09.2019. For the fourth time, the petitioner was granted bail on 11.02.2020 by the Session Judge, Gopalganj but the his bail bond got cancelled on 20.02.2023 due to non-appearance and N.B.W. was issued against him. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.08.2024 and has no criminal antecedent. Learned counsel further submitted that petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

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

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the petitioner as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S. Tr. No. 349 of 2009 arising out of Vijayapur P.S. Case No. 80 of 2001, subject to the following conditions:

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

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

(III) 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.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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