

# Sudhir Sharma vs The State Of Bihar on 27 September, 2022

**Author: Chandra Shekhar Jha**

**Bench: Chandra Shekhar Jha**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.9858 of 2022  
Arising Out of PS. Case No.-289 Year-2021 Thana- CHHATAUNI District- East Champaran  
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Naresh Pandey @ Naresh Panndey S/o Jagdish Pandey Resident of Ashaman  
Rai Tola, Chatauni, P.S.- Chatauni, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 36597 of 2022  
Arising Out of PS. Case No.-289 Year-2021 Thana- CHHATAUNI District- East Champaran  
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Ujjwal Kumar @ Ujjawal Jordan Son of Anand Prakash R/O Mohalla-  
Mathiya Dih Ward No.-17, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 36814 of 2022  
Arising Out of PS. Case No.-289 Year-2021 Thana- CHHATAUNI District- East Champaran  
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Dhananjay Pandey Son of Jagdish Pandey Resident of village - Asman Rai  
Tola, P.S.- Chhatauni, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 37423 of 2022  
Arising Out of PS. Case No.-289 Year-2021 Thana- CHHATAUNI District- East Champaran  
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Sudhir Sharma S/O Late Hardeo Sharma Resident of village- Chhatauni,  
Badhai Tola, P.S.- Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022

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... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 9858 of 2022)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 36597 of 2022)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

(In CRIMINAL MISCELLANEOUS No. 36814 of 2022)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 37423 of 2022)

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

5 27-09-2022

Cr. Misc. No. 9858 of 2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Chhatauni P.S. Case No. 289 of 2021 registered for the offence under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 06.12.2021.

The allegation against the petitioner is to commit murder of the son of informant, along with other co-accused persons for causing fire arm injury, in the background of Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in present case for the reason that the petitioner was not available at the place of occurrence, where alleged firing was made and while arguing so, pointed out para-2 of the case diary. It is further submitted that co-accused having more serious allegations, who alleged to

involved in kidnapping and also found on place of occurrence, where alleged firing was made upon the son of informant, namely, Chandan Sahni, Ram Naresh Sahni and Sanjay Pal, have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 24886 of 2022 and Cr. Misc. No. 21037 of 2022, both dated 08.08.2022. It is submitted that petitioner found involved in 15 more criminal cases and for the same reason informant, who admittedly, having previous enmities, named this petitioner in present case also, where criminal antecedents is of no bearing over the merit of present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 submitted that petitioner was involved in kidnapping but fairly conceded that petitioner was not present on spot, where alleged firing was made at the house of one co-accused, namely, Sanjay Pal, who is on bail.

Considering the facts and circumstances as mentioned above, as petitioner appears not present, where alleged firing was made, causing death of son of informant coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chhatauni P.S. Case No. 289 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari/concerned court, subject to the following conditions:

"(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Nawal Pandey, who is the brother of the petitioner and deponent of the present bail petition."

Cr. Misc. No. 36597 of 2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Chhatauni P.S. Case No. 289 of 2021 registered for the offence under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 26.03.2022.

The allegation against the petitioner is to commit murder of the son of informant, along with other co-accused persons for causing fire arm injury, in the background of previous enmities.

Learned counsel appearing on behalf of the petitioner Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 submitted that petitioner has been falsely implicated in present case for the reason that the petitioner was not available at the place of occurrence, where alleged firing was made and while arguing so, pointed out para-2 of the case diary. It is further submitted that co-accused having more serious allegations, who alleged to involved in kidnapping and also found on place of occurrence, where alleged firing was made upon the son of informant, namely, Chandan Sahni, Ram Naresh Sahni and Sanjay Pal, have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 24886 of 2022 and Cr. Misc. No. 21037 of 2022, both dated 08.08.2022. It is submitted that the son of informant himself was a man of criminal background, as was involved in murder of the son of one of the co-accused, namely, Sudhir Sharma. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that petitioner was involved in kidnapping but fairly conceded that petitioner was not present on spot, where alleged firing was made at the house of one co-accused, namely, Sanjay Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 Pal, who is on bail.

Considering the facts and circumstances as mentioned above, as petitioner appears not present, where alleged firing was made, causing death of son of informant coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chhatauni P.S. Case No. 289 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari/concerned court, subject to the following conditions:

"(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 Anand Prakash, who is the father of the petitioner and deponent of the present bail petition."

Cr. Misc. 36814 of 2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Chhatauni P.S. Case No. 289 of 2021 registered for the offence under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act The accused/petitioner is named in the F.I.R. and is in custody since 26.03.2022.

The allegation against the petitioner is to commit murder of the son of informant, along with other co-accused persons for causing fire arm injury, in the background of previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in present case for the reason that the petitioner was not available at the place of occurrence, where alleged firing was made and while arguing so, pointed out para-2 of the case diary. It is further Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 submitted that co-accused having more serious allegations, who alleged to involved in kidnapping and also found on place of occurrence, where alleged firing was made upon the son of informant, namely, Chandan Sahni, Ram Naresh Sahni and Sanjay Pal, have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 24886 of 2022 and Cr. Misc. No. 21037 of 2022, both dated 08.08.2022. It is submitted that petitioner found involved in 12 more criminal cases and for the same reason informant, who admittedly, having previous enmities, named this petitioner in present case also, where criminal antecedents is of no bearing over the merit of present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that petitioner was involved in kidnapping but fairly conceded that petitioner was not present on spot, where alleged firing was made at the house of one co-accused, namely, Sanjay Pal, who is on bail.

Considering the facts and circumstances as mentioned above, as petitioner appears not present, where alleged firing Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 was made, causing death of son of informant coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chhatauni P.S. Case No. 289 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari/concerned court, subject to the following conditions:

"(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Nawal Pandey, who is the brother of the petitioner and deponent of the present bail petition."

Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 Cr. Misc. No. 37423 of 2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Chhatauni P.S. Case No. 289 of 2021 registered for the offence under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 26.03.2022.

The allegation against the petitioner is to commit murder of the son of informant, along with other co-accused persons for causing fire arm injury, in the background of previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in present case for the reason that the petitioner was not available at the place of occurrence, where alleged firing was made and while arguing so, pointed out para-2 of the case diary. It is further submitted that co-accused having more serious allegations, who alleged to involved in kidnapping and also found on place of Patna High Court CR. MISC. No.9858 of 2022(5) dt.27-09-2022 occurrence, where alleged firing was made upon the son of informant, namely, Chandan Sahni, Ram Naresh Sahni and Sanjay Pal, have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 24886 of 2022 and Cr. Misc. No. 21037 of 2022, both dated 08.08.2022. It is submitted that the son of informant himself was a man of criminal background, as was involved in murder of the son of this petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that petitioner was involved in kidnapping but fairly conceded that petitioner was not present on spot, where alleged firing was made at the house of one co-accused, namely, Sanjay Pal, who is on bail.

Considering the facts and circumstances as mentioned above, as petitioner appears not present, where alleged firing was made, causing death of son of informant coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chhatauni P.S. Case No. 289 of 2021 on furnishing bail Patna High Court CR.

MISC. No.9858 of 2022(5) dt.27-09-2022 bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari/concerned court, subject to the following conditions:

"(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Soni Devi, who is the wife of the petitioner and deponent of the present bail petition."

(Chandra Shekhar Jha, J) pooja/-

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