

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25039 of 2016

Arising out of PS.Case No. -74 Year- 2016 Thana -KHIJARSARAI District- GAYA

Rajeev Kumar Sharma

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate.

For the Opposite Party : Mr. Shailendra Kr.-1(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-08-2016 Heard learned senior counsel for the petitioner and
learned counsel for the State.

The petitioner is languishing in custody since 25.04.2016
in connection with Khizarsarai P.S. Case No. 74 of 2016 for the
offences instituted under Sections 143, 145, 147, 149, 150, 151,
152, 323, 332, 333, 337, 341, 342, 353, 307, 171(Cha) and 120(B)
of the IPC.

The prosecution story, in brief, is that on 24.04.2016, the
informant alongwith other police officials and armed forces
reached at Booth Nos. 163 and 164 at Village- Bana and caught
one person who disclosed his name as Prince Kumar co-accused.
The ink was stacked to his finger and he was making attempt for
bogus vote. In the meantime, all FIR named accused persons
including the petitioner forming unlawful assembly came there



and this petitioner slapped S.H.O. Dhananjay Kumar. Then information was given to the superior officer to see the situation. Then Sub-Zonal Magistrates and City Police S.P., Gaya, alongwith force also came there. Then all the accused persons and 50 unknown persons forming an unlawful assembly attacked on the police force and this petitioner assaulted Development Commissioner Sanjeev Kumar by pelting stone with intention to kill. He sustained serious injuries on various parts of his body. He was sent for treatment. The people also disturbed the way by keeping wood and they also pelted stones. The police arrested this petitioner and other co-accused Prince Kumar.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The alleged occurrence is said to have taken place on the date of Panchayat Election. The petitioner has been made accused in the present case due to political reason. It is further submitted that the petitioner may be released on bail after completion of seven months in custody from 25.04.2016.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named, be released on bail after completion of seven months in custody from 25.04.2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IIIrd, Gaya, in connection with Khizarsarai P.S. Case No. 74 of 2016.

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(Sudhir Singh, J)