

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40456 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -EKMA District- SARAN

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Chhotelal Sharma, Son of Sri Gorakh Nath Sharma, Resident of Village-
Karanpura, Police Station- Ekma, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 02-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 29.06.2017 in
connection with Ekma P.S. Case No. 05 of 2017 for offences
punishable under Sections 341, 323, 325, 307, 504 read with
Section 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was going to his old house the petitioner along with
the others started abusing him burning the tati of their house and
assaulted the informant. Specific allegation against the petitioner
is that he assaulted the informant on the head by means of Khanti.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and that some of the accused named in the F.I.R. were not even present at the place of occurrence as stated by some of the prosecution witness. He submits that the injury report only suggests that the injury alleged to have been caused by the petitioner may be serious but the petitioner himself went to the private nursing home although the government hospital is nearby. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Chapra, Saran in connection with Ekma P.S. Case No. 05 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating



their relationship with the petitioner

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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