

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1681 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -VIJAYPUR District- GOPALGANJ

=====

1. Rama Shankar Sharma Son of Late Damari Sharma Resident of Village -
Amawaghat, P.S. Vijaipur, District Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dhramveer

For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-07-2017 This appeal is for grant of bail in connection with

Vijaipur P.S. Case No. 40 of 2017 registered for the offence(s)

under section(s) 341, 323, 436, 504, 506 of the Indian Penal Code

and sections 3 (i) (x) of the SC/ST Act.

Allegation against the appellant is that he has abused

the informant by taking his caste name and he also assaulted the

informant and others. Further submission is that the appellant set

the hut of the informant on fire by sprinkling kerosene oil, caused

damage of Rs. 50,000/-. It has further been submitted that as a

matter of fact, there is a land dispute between the parties and that

land belongs to the appellant. He has drawn attention of this Court

to Annexure-2 to this application showing that the Circle Officer

had given notice to the informant for vacating that land and due to



that, the present false and concocted case has been filed against the appellant only to put pressure on the appellant and he is in custody for three months.

Heard learned Special Public Prosecutor also.

Learned Special Public Prosecutor opposes the prayer of bail.

Having heard both sides and in view of the facts and circumstances, as stated above, this appeal is allowed and the impugned order dated 9.5.2017 passed in Tr. No. 36 of 2017, arising out of Vijaipur P.S. Case No. 40 of 2017, is set aside.

Let the appellant, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Gopalganj, Patna in connection with Vijaipur P.S. Case No. 40 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence or threat the informant and others, otherwise his bail bond shall be cancelled.



(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine rhyme or reasons, the prosecution will have liberty to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

Mahesh/-

U		T	
---	--	---	--

