

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9839 of 2019

Arising Out of PS. Case No.-102 Year-2018 Thana- ALAMGANJ District- Patna

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AMIT SHARMA Son of Rajendra Sharma Resident of Purani Alamganj
Chouki, Near S.B.I., A.T.M., P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Sharma

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
02.04.2018 in connection with Alamganj P.S. Case No. 102 of
2018 for offences punishable under Section 307 and other allied
Sections of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while he was in his mobile shop three persons entered the
shop to recharge their mobiles. Thereafter, without recharging
their mobiles they went out of the shop and when the informant
also went out of his shop the petitioner with iron rod hit him on
the back of his head while another co-accused snatched away
his gold chain and Rs. 34,900/- from his pocket. The 3rd accused



was not identified by the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the specific allegation of hitting the informant is not made out against the petitioner and charge-sheet has already been submitted there being no allegation of tampering of the prosecution witnesses. He further submits that the petitioner is languishing in judicial custody for more than 10 months and he has been sufficiently punished.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has caused injury on the informant on the vital part of the body and he does not have a clean antecedent as one more case is pending against him.

Considering the facts and circumstances and the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Patna City, in connection with Alamganj P.S. Case No. 102 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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