

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29981 of 2019

Arising Out of PS. Case No.-283 Year-2016 Thana- GHOSI District- Jehanabad

Shankar Sharma (aged 53 years, Gender Male) Son of Anandi Sharma
Resident of Village - Waina, Post- Waina, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Manish Kumar
		Mr. Gajendra Kumar Singh, Advocates
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

23 01-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 323, 332, 333, 337, 307, 353, 393, 147, 148, 149 of the Indian Penal Code and Section 47(A) of the Excise Act registered in connection with Ghoshi P.S. Case No. 283 of 2016.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact, no recovery of any incriminating goods has been made from conscious possession of the petitioner to attract the provisions of the Excise Act, 1915. As regards the accusations under the provisions of the Penal Code, it is submitted that the FIR is against as many as 12 named accused persons and 15-20 unknown persons. After due investigation, the police has submitted final form but differing from the same, the cognizance has been taken against the petitioner, who claims clean antecedents.

4. Learned APP has not pointed out any material in the FIR alleging any offence said to have been committed by the petitioner in order to attract the provisions of the said Excise Act.



5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Jehanabad in connection with Ghoshi P.S. Case No. 283 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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