

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49432 of 2019

Arising Out of PS. Case No.-64 Year-2017 Thana- JAMALPUR District- Munger

DILIP KUMAR SHARMA Son of Late Shiv Pujan Prasad R/o- Keshopur
Grudwara Road, P.S.- Jamalpur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Kumar Gupta
For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 354(B), 504 and 506 and later on added Section 308 of the Indian Penal Code registered in connection with Jamalpur P.S. Case No. 64/2017.

3. It is submitted that the petitioner has been falsely implicated and the informant is none other than the wife of the petitioner. It is submitted that Section 354(B) of the Indian Penal Code is not applicable. The accusation under Section 308 of the Indian Penal Code added later on is also not made out and the injuries are simple in nature. . The petitioner has been implicated in three prior cases and all of which have been lodged by the informant. The present case has been lodged in retaliation to Jamalpur P.S. Case No. 65 of 2017.

4. 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 CJM, Munger, in connection with Jamalpur P.S. Case No. 64/2017,



subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.
- iv. 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.

(Vikash Jain, J)

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