

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77966 of 2018

Arising Out of PS. Case No.-477 Year-2012 Thana- PATRAKARNAGAR District- Patna

Kunal Sharma @ Kunal Kumar Son of Indal Sharma Resident of village
Ahira, P.S. Karpi, Distt. - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Soni Shrivastava, Advocate

For the Opposite Party/s : Mr.Sri Nityanand Tiwary (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 04-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Patrakarnagar P.S. Case No. 477 of 2017
registered for the offences punishable under Section 307, 201
and 34 of the Indian Penal Code and under Section 27 of the
Arms Act.

Informant has stated in his fardbeyan that he
received a call from the petitioner regarding admission of a
student in the institute for which Rs. 50,000/- was demanded
thereafter he went to meet the petitioner and when he reached
there scuffle took place between the parties and thereafter
petitioner fired on him with an intention to kill which hit the



leg of the informant.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case without any rhyme or reason. There is delay of six days in preparation of injury report which leads to suspicion over the prosecution story. Petitioner is in custody since 08.03.2018.

Considering the nature of allegation against petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected at this stage.

However, after one year of judicial custody the petitioner shall be enlarged on bail by the court below on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Patna, in connection with Patrakarnagar P.S. Case No. 477 of 2017 subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be



at liberty to move for cancellation of bail of the petitioner.

Accordingly, this Criminal Miscellaneous is here by disposed of.

(S. Kumar, J)

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