

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59513 of 2019

Arising Out of PS. Case No.-255 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

NARESH SHARMA S/o Sitaram Sharma Resident of Village- Subhai, P.S.-
Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Hajipur Sadar P.S. Case No. 255/2019.

3. It is submitted that the petitioner has been falsely implicated on the accusation of having fired from pistol hitting the left leg of the informant. It is submitted that there is no injury report to corroborate such accusation. The informant has subsequently filed a petition before the learned Chief Judicial Magistrate, *inter alia*, stating that he had not seen any person having fired upon him and as such the accusations in the FIR stands diluted. The petitioner claims clean antecedents.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in



connection with Hajipur Sadar P.S. Case No. 255/2019 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.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no fire arm injury has been caused to the informant. In case grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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