

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67893 of 2019

Arising Out of PS. Case No.-734 Year-2018 Thana- SONEPUR District- Saran

SATISH SHARMA Son of Dharmdeo Sharma Resident of Village -
Ganghara, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-11-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 26.08.2019 in connection with Sonepur P.S. Case No. 734/2018 registered for the offence punishable under Sections 147/148/149/307/302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the allegation is that the petitioner along with other associates had threatened and demanded fish and rupees ten thousand as extortion while they were out in the river for fishing. It is submitted that the accused persons so named in the FIR chased the boat of the informant and thereafter indulged in indiscriminate firing which led to injury on members who were in the said boat. Learned counsel for the petitioner further submits that though there is an allegation of indiscriminate



firing, the petitioner is not said to have participated in the same. It is further submitted that it is hardly improbable that a person who was fleeing with the boat could have seen as to who have fired and, therefore, the petitioner may be extended the privilege of bail. It is further submitted that the present petitioner is a retired CRPF personnel who has come back to his village only lately and has been falsely implicated in connection with the present case. Learned counsel for the petitioner next submits that after his arrest in the same, he has been remanded in connection with Maner P.S. Case No. 620 of 2018 under Section 302/34 of the IPC only due to dirty village politics. Learned counsel for the petitioner further submits that as and when required, the petitioner shall make himself available during the course of any further investigation and also trial and, therefore, he may be extended the privilege of bail.

Considering the entire facts and circumstances and that there is no cogent material to indicate that the petitioner has participated in the firing, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 734/2018,



subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) 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.

(Anjana Mishra, J)

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