

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.358 of 2020

Arising Out of PS. Case No.-281 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

CHANDAN SHARMA, Son of Ganapat Sharma, Resident of Village - Raksa,
P.S.- Katihar Muffasil, Distt - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan(APP156)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-05-2020 This has been posted before me for hearing through video-conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

Heard learned counsel for the petitioner, the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 307, 324, 379, 323, 504 of the Indian Penal Code.

The prosecution case in brief is that on 20.10.2019 at 6.30 P.M. the son of the informant namely Prakash Sharma was returning home with his wife, in way this petitioner assaulted on his neck from behind by sharp cut weapon and petitioner also taken away the cash of Rs.15,000/- from the pocket of the son of



informant and fled away from the place of occurrence.

It has been submitted on behalf of the petitioner that the petitioner is an innocent person, has committed no offence and he has been falsely implicated in this case. Both parties are next door neighbour and there is delay of 8 days in lodging the FIR by the informant. There is no repeated of blow by this petitioner and also there is no intention of the petitioner to kill the son of the informant. There is general and omnibus allegation against the petitioner and nothing has been recovered from the possession of the petitioner. The petitioner in custody since 20.11.2019 and has got no criminal antecedent.

Learned APP for the State has opposed the prayer for bail and submits that there is specific allegation of assault against the petitioner which has been supported by the witnesses during investigation.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each in connection with Katihar Muffasil P.S. Case No. 281 of 2019 to the satisfaction of the learned J.M.-1st Class, Katihar, 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.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

