

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63264 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- GAMAHAIRIYA District- Madhepura

Shyam Sharma @ Wakil Sharma, aged about 45 years, Male, Son of Bhagwat Sharma Resident of Village-Chikni Khar, Police Station-Gamhariya, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Ms.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 29-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Gamhariya P.S. Case No. 124 of 2018 registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

In the F.I.R., the informant has alleged that at about 12:00 mid-night on 09-07-2018, the petitioner came at her house and tried to outrage her modesty, but on alarm being raised by her, her *gotini* came and petitioner fled away. Thereafter, on 11-07-2018, a *panchayati* was held in this regard, in which, she assaulted the petitioner with slipper. Thereafter, to take revenge, petitioner alongwith other F.I.R. named accused persons came at her house and started assaulting her and her husband. The



accused persons also gave fire-arm injury on the thigh of husband of the informant.

It is submitted on behalf of the petitioner that there is general and omnibus allegation. There is no allegation of overt act against the petitioner. It is further submitted that there is admitted land dispute in between the parties and petitioner has falsely been implicated in this case. In this case, only with a view to grab the property of petitioner, a false case has been made out. It is further submitted that some of the co-accused have already been granted bail by this Court (Annexure 3 series). The petitioner is in custody since 30-04-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Gamhariya P.S. Case No. 124 of 2018 on the following conditions:

“(1) Petitioner shall cooperate 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 the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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