

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69392 of 2019

Arising Out of PS. Case No.-320 Year-2017 Thana- SABAUR District- Bhagalpur

=====

SANJAY KUMAR SHARMA @ SANJAY SHARMA S/o Arjun Sharma R/o
village- Arya Tola, Sabour, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Sharma, Mr.Dhirendra Nath Jha
For the Opposite Party/s	:	Mr.Satyavrat Verma

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406, 419, 420, 504, 506/34 of the Indian Penal Code registered in connection with Sabour P.S. Case No. 320 of 2017.

3. It is submitted that the petitioner has been falsely implicated on the allegation that the four cheques issued by him aggregating to Rs. 9,50,000/- were not in order. It is submitted however that the said cheques had been forcefully extracted from the petitioner, who is the nephew of Hajari Lal Baba, who runs an Ashram. Death of the informant's husband occurred from an electric shock from an electric pole in front of the Ashram. Pursuant to the mishap, villagers pelted stones and damaged the property of the Ashram and also forcibly extracted Rs. 50,000/- from the petitioner by way of compensation along with the said four cheques. In this regard an FIR in Sabour P.S. Case No. 310 of 2017 under Section 147, 148, 341, 323, 307, 379, 385, 436, 448, 427, 504, 506 of the Indian Penal Code was instituted by the uncle of the petitioner in which charge sheet has been submitted. It is also submitted that the mishap occurred owing to negligence and inaction on the part of the Electricity Department which had failed to



remove the electric pole despite request made in this behalf by the petitioner's uncle. The petitioner claims clean antecedents.

4. Learned APP opposes the petition on the basis of case diary.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM IX, Bhagalpur, in connection with Sabour P.S. Case No. 320 of 2017, 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.

(Vikash Jain, J)

Chandran/-

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

