

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16137 of 2021**

Arising Out of PS. Case No.-72 Year-2020 Thana- ALAMNAGAR District- Madhepura

GURO SHARMA Son of Yogeshwar Sharma Resident of Village - Kujauri,
P.S.- Alamnagar, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajneesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 01-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Alamnagar P.S. Case No. 72 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant was at his door when eleven F.I.R. named accused persons variously armed started abusing him. One of the co-accused Chandra Kishore Sharma gave a



blow on the head of the informant by khanti due to which his head got fractured and started bleeding. The informant's cousin came to save him he was also assaulted by the co-accused and his head got fractured. The father of the informant was also assaulted by the accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the specific allegation of assault are against the co-accused and the similarly situated co-accused have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 33209 of 2020. Learned counsel submits that the petitioner is in custody since 18.03.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner has shown from the F.I.R. that the specific allegation of assault are against the co-accused who is not before this Court, similarly situated co-accused have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 33209 of 2020 and there is no contest on behalf of the State that the case of the petitioner is



not standing with the similar footing with the co-accused, petitioner has otherwise no criminal antecedent and has remained in custody in connection with the present case since 18.03.2020, investigation against him is complete but the trial is not likely to be concluded in near future let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 72 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

