

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21509 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- RAJPUR District- Rohtas

Shyam Narayan Sharma, Male, aged about 51 years, Son of Late Naga Sharma, Resident of Village Kulharia, P.S. Karakat, District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-09-2021 At the outset, learned counsel for the petitioner submits that in para 1 of the bail petition as well as in the prayer portion, name of the court is mentioned as Ms. Nisa Kumari, learned Judicial Magistrate, 1st Class, **Bikrampur**, District Rohtas, which should be read as Ms. Nisa Kumari, learned Judicial Magistrate, 1st Class, **Bikramganj**, District Rohtas.

In view of the submission made by the learned counsel for the petitioner, name of the court in para 1 of the bail petition as well as in the prayer portion should be read as Ms. Nisa Kumari, learned Judicial Magistrate, 1st Class, **Bikramganj**, District Rohtas.

Heard learned counsel for the petitioner and learned APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove



the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 409/120(B) of the Indian Penal Code.

The prosecution case is that the petitioner was Ex-service man and newly recruited Home Guard who was assigned command/charge on 21.12.2020. On 23.12.2020 he alongwith three other persons reported for duty in Anchal Adhikari Office, Rajpur, Rohtas. Four other previously appointed Home Guards also reported for duty during the relevant period on 23.12.2020. It is reported by Anchal Adhikari, Rajpur that after about 30 minutes from the reporting time of petitioner, it was informed that arms entrusted to Dinesh Singh and Ram Bachan Singh were missing who reported vide same command/charge as with the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The petitioner is the Home Guard and was posted at the office of the informant as per his command letter no.971794 alongwith other Home Guards on 23.12.2020. It is further submitted that when the newly deputed Home Guards found rifle and cartridges missing,



they immediately reported to the Circle Officer, Rajpur. The petitioner is made accused in the present case only on suspicion. Similarly situated co-accused have been granted bail by different co-ordinate Benches of this Court. The petitioner is in custody since 23.12.2020 and he has got no criminal antecedent as stated in para 3 of the bail petition.

The learned APP opposed the prayer for bail of the petitioner.

Taking into consideration the facts aforesaid, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below/successor court where the case is pending in connection with Rajpur P.S. Case No.190 of 2020.

(Anjani Kumar Sharan, J)

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