

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22007 of 2021

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

Shrawan Kumar Sharma aged about 28 years Son Of Bishwanth Sharma
Resident Of Village - Semaradih, Police Station - Rajpur, Distt. - Rohtas
(Bihar).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 409/120B of the Indian Penal Code.

As per the prosecution case, petitioner who was posted as Home Guard was assigned charge on 11.11.2020 and on 23.12.2020 four newly appointed Home Guards reported for duty in Anchal Adkhikari Office, Rajpur, Rohtas. Four Home Guards including petitioner also reported for duty during the relevant period on 23.12.2020. It has further been alleged that after 30 minutes from the reporting time of newly appointed Home Guards, Arms entrusted to Dinesh Singh and Ram Bachan Singh were found missing. On enquiry all the eight



home guards levelled allegation against each other.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the missing arms had been entrusted to Dinesh Singh and Ram Bachhan Singh and not to the petitioner. No incriminating material has been collected against the petitioner during course of the investigation. Petitioner has claimed clean antecedent and he is in custody since 25.12.2020. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide order dated 27.5.2021, passed in Cr.Misc.No. 23990 of 2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that no incriminating material has been collected against the petitioner during course of the investigation and he is in custody for more than six months, let the petitioner, mentioned above, 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 Nisha Kumari, Judicial Magistrate Ist class, Bikramganj, Rohtas in Rajpur Police Station Case No. 190 of



2020 on the following conditions:-

(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her 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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