

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28044 of 2020

Arising Out of PS Case No.-459 Year-2019 Thana- TEKARI District- Gaya

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1. Jairam Sharma @ Kara (Male), aged about 25 years, Son of Upendra Sharma, Resident of Village-Khaira, Police Station-Tekari, District-Gaya.
 2. Deepak Kumar @ Banku Sharma @ Depak Sharma @ Banku, aged about 23 years, Son of Late Ashok Sharma, Resident of Village-Tetariya, Police Station-Tekari, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-03-2021

Heard Mr. Manish Kumar No. 2, learned counsel for the petitioners and Mr. Abhay Kumar Roy, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. Learned counsel for the petitioners submitted that he may be permitted to withdraw the application on behalf of petitioner no. 1, namely Jairam Sharma @ Kara.

3. In view thereof, the application on behalf of petitioner no. 1, namely Jairam Sharma @ Kara stands disposed off as withdrawn and is restricted to petitioner no. 2, namely Deepak Kumar @ Banku Sharma @ Depak Sharma @ Banku.



4. The petitioner no. 2 apprehend arrest in connection with Tekari PS Case No. 459 of 2019 dated 13.12.2019, instituted under Sections 342, 323, 307, 504 and 506/34 of the Indian Penal Code.

5. The allegation against the petitioner no. 2 is of inflicting *lathi* blow on the neck of the informant.

6. Learned counsel for the petitioners submitted that the allegation is false as the same has not been corroborated by the injury report as only one wound has been found on the head which is not attributable to the petitioner. It was submitted that there was general scuffle between the parties due to election of PACS.

7. Learned APP, from the case diary as also the report from the Senior Superintendent of Police, Gaya did not controvert the fact that the specific allegation of *lathi* blow on the neck is not corroborated by the injury report.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 2, namely Deepak Kumar @ Banku Sharma @ Depak Sharma @ Banku be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



learned Additional Chief Judicial Magistrate-VI, Gaya in Tekari PS Case No. 459 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner no. 2, (ii) that the petitioner no. 2 and the bailors shall execute bond with regard to good behaviour of the petitioner no. 2, and (iii) that the petitioner no. 2 shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner no. 2 shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner no. 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner no. 2.



10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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