

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.38225 of 2021**

Arising Out of PS. Case No.-63 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

PAWAN SHARMA S/o- SHYAM SHARMA Resident of Village- Navtoliya  
Chouka, P.S.- Industrial, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      08-12-2021                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Industrial Area P.S. Case No. 63 of 2019 registered for the offence under Sections 394 and 412 of the Indian Penal Code.

The petitioner along with others are said to have assaulted the informant and looted cash of Rs. 17,000/-

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, the petitioner has not been named in the F.I.R. but on the basis of confessional statement of the co-accused, namely, Mithun Kumar, name of this petitioner has surfaced in this case. Neither the petitioner has been put on T.I.P. nor anything incriminating has been recovered from his exclusive possession. The petitioner is rotting in judicial custody since 15.07.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having three more cases other than the present one, which is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1<sup>st</sup>, Class, Bhagalpur in connection with Industrial Area P.S. Case No. 63 of 2019 with 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 canceled 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.

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.

**(Rajesh Kumar Verma, J)**

braj/-

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