

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31693 of 2020**

Arising Out of PS Case No.-235 Year-2019 Thana- GOPALGANJ TOWN District- Gopalganj

Manoj Sharma (Male), aged about 40 years, Son of Late Ramnath Sharma,
Resident of Village-Lakhatia More, PS-Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate with Ms. Kumari Anupam, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 20-02-2021

Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Ms. Kumari Anupam, learned counsel for the petitioner and Mr. Tarkeshwar Nath Thakur, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Gopalganj Town PS Case No. 235 of 2019 dated 19.05.2019, instituted under Sections 279, 341, 323, 307, 379 and 506/34 of the Indian Penal Code in which later on Section 302 of the Indian Penal Code was added.

3. The allegation against the petitioner is that the informant and her husband who were coming on a motorcycle



dashed against the petitioner and his wife upon which the petitioner called the villagers, who came with arms and assaulted the deceased and against the petitioner it is further alleged that showing pistol, he snatched Rs. 2 lakhs from the deceased.

4. Learned counsel for the petitioner submitted that as per the allegation itself he and his wife were the victims of the incident and as a natural consequence, though not justifying the same, the local people gathered and may have assaulted the husband of the informant as he was the person who was driving the motorcycle which had dashed against the petitioner and his wife. It was submitted that the petitioner is neither alleged to have assaulted the deceased nor was the aggressor and the allegation of snatching Rs. 2 lakhs is cosmetic and totally unbelievable as nobody is expected to carry Rs. 2 lakhs cash, that too, at 9.30 pm in the night on a motorcycle. It was further submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the petitioner was the victim of the accident and it is but natural that he would be the person who would have instigated the mob to assault the deceased.

6. 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 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 Chief Judicial Magistrate, Gopalganj in Gopalganj PS Case No. 335 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, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner and he shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of his bail bonds.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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