

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46703 of 2021

Arising Out of PS. Case No.-214 Year-2019 Thana- NAUBATPUR District- Patna

Om Prakash Sharma S/O Shyam Chandra Sharma R/O Village- Sahtha, P.S.-
Bhagwanpur, District- Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar

For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four 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 connection with Naubatpur P.S.
Case No. 214 of 2019 registered for the offence punishable under
Section 392 of the Indian Penal Code.

Allegation against the petitioner is that petitioner in
association with other miscreants looted tractor, mobile phone and
Rs. 1,000/- from the informant.

Learned counsel for the petitioner submits that petitioner has
falsely been implicated in this case and has not committed any
offence as alleged in the FIR. He submits that petitioner has not been



put on T.I. parade till date. Petitioner has not been arrested on the spot. He submits that name of the petitioner transpired on the basis of confessional statement of co-accused Awadhesh Kumar @ Awadhesh Sahni, which has no evidentiary value in the eye of law. The above similarly situated co-accused has been granted bail *vide* order dated 28.02.2020 passed in Cr. Misc. No. 10649 of 2020 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has five criminal antecedents as has been mentioned in para 3 of this bail application and he is languishing in custody since 05.09.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 where the case is pending/successor court in connection with Naubatpur P.S. Case No. 214 of 2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and



thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

GAURAV S./-

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