

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35157 of 2020

Arising Out of PS. Case No.-97 Year-2020 Thana- DARBHANGA District- Darbhanga

KANHAIYA SHARMA, S/o Late Santosh Sharma, R/o Mohalla- Bada Bazar,
Hazari Nath Mandir, P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 324, 379, 307, 504, 506, 34 of the Indian Penal Code.

The prosecution case in brief is that on 16.03.2020 the brother of the informant came near his home after collecting outstanding dues from his customers, it has been alleged that in the meantime accused petitioner alongwith two unknown persons came there intoxicated condition and started hurling abuses on the brother of the informant and when the brother of the informant protested the petitioner namely Kanhaiya Sharma began assaulting him and also took a sum of Rs.30,000/- and of his possession and when the informant came at the place of occurrence to protest his brother, petitioner took out a knife and



inflicted injuries on the stomach and abdomen regions of the informant with knife. The informant fell down to the ground in a pool of blood. He was brought to D.M.C.H. for his medical treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is case and counter case between the parties. The petitioner in custody since 16.03.2020 and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and the injury is grievous in nature.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Town P.S. Case No. 97/2020 to the satisfaction of the learned C.J.M., Darbhanga, subject to the following conditions:

- (1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar



offence till conclusion of the trial.

(3) The petitioner shall remain physically present in 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 as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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