

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2467 of 2022

Arising Out of PS. Case No.-143 Year-2020 Thana- AMARPUR District- Banka

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Raman Sharma, Son of Late Naresh Sharma Resident Of Village - Mahouta,
P.S.- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 07-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Amarpur P.S. Case No. 143 of 2020 registered for the

offences punishable under Sections 147, 148, 149, 307,

323, 338, 379, 427, 447 and 504 of the Indian Penal Code

and Section 27 of the Arms Act.

The prosecution case as emerges for the FIR is



that the petitioner along with his associates had come with the weapons in their hand and started fencing the door. It is also alleged that one of the co-accused, Mukesh Sharma had started firing on the informant, due to which the informant sustained several injuries on his body.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the present FIR has been lodged by the informant against the co-accused as a counter blast in reaction to the FIR lodged accused-petitioner side for the offence punishable under Section 307 and other allied Sections of the IPC. He also submits that the petitioner has been languishing in jail since 12.09.2021 and similarly situated persons, namely, Abadh Kishor Sharma, Mukesh Sharma, Raman Sharma, Sharwan Sharma, Umesh Sharma, Sanjeev Sharma and Anjeev Sharma have got anticipatory bails *vide* order dated 01.11.2021, passed in Cr. Misc. No. 1574 of 2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for



anticipatory bail vide Cr. Misc No. 1574 of 2021 but during the pendency of the petition, the petitioner has been arrested.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in two more cases, namely, Amarpur P. S. Case No. 284 of 2019 and Amarpur P. S. Case No. 381 of 2019.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of Chief Judicial Magistrate, Banka, in connection with Amarpur P. S. Case No. 143 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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