

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13390 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- AAYAR District- Bhojpur

VIKASH SHARMA Son of Shomaran Sharma Resident of Village- Laxmpur,
P.s.- Ayar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Anil Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ayar P. S. Case No. 119 of 2021 registered for the offences punishable under Sections 341, 323, 324 and 307 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 12.10.2021, while the informant's nephew (Kundan Kumar) was walking with his friends, in the meantime, the petitioner



intercepted and gave a knife blow over the neck of the informant's nephew due to which he sustained grievous injuries.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is quite innocent and in fact, his name has been implicated in this case only on account of previous animosity. It is also submitted that the falsity of the case is evident from the fact that neither the name of the friend has been disclosed nor his statement has been recorded during the course of investigation, apart from the injury sustained over the body of the informant's nephew was found to be simple in nature. It is last submitted that the petitioner having fair antecedent is in custody since 13.10.2021 and moreover, he is a student of B.A. part-I.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of injury, which is found to be simple in nature and the period of incarceration, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Bhojpur at



Ara in connection with Ayar P. S. Case No. 119 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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