

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23370 of 2021

Arising Out of PS. Case No.-139 Year-2010 Thana- KARPI District- Jehanabad

SADHU SHARMA @ PRAMOD SHARMA Son of Jairam Sharma @ Raj
Kishor Sharma Resident of Village - Orbigha, P.S.- Banshi, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad- Advocate
For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 31-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Sessions
Trial No.454 of 2019/ 62 of 2019 arising out of Karpi (Banshi
O.P.) P. S. Case No.139 of 2010, instituted for the offences
under Sections 341, 384, 307, 504 and 506 of the Indian Penal
Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 15.10.2019, charge-sheet has been
submitted in the case and even charges have been framed and
has antecedent of six cases.

The learned counsel for the petitioner submits that the
informant alleges that petitioner along with his brother came
while he was ploughing his field and started abusing the



informant and asked Rs.50,000/- by way of extortion. It is further alleged that petitioner and his brother fired which did not hit the informant as he managed to save himself, but was threatened if extortion amount was not paid, he would be killed.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no offence under Section 307 of the I.P.C. is made out. Further the allegation of firing is ornamental as it does not stand to reason that during the course of investigation, nothing was found from the place of occurrence which could even remotely suggest that firing was made. The learned counsel further submits that though petitioner has antecedents, but all the cases have emanated from the village itself, since the petitioner is a landlord and efforts are always being made to capture to his land.

The learned counsel for the petitioner submits that initially, the first case was filed in the year 2007, thereafter in 2010, thereafter in 2016 and then, in 2019, which further goes to show that petitioner is not a criminal in the sense he is being portrayed to.

The learned A.P.P. for the State opposes the bail application.



Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and even charges have been framed and allegation prima facie under Section 307 of the I.P.C. as submitted by the learned counsel for the petitioner is not made out, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Jehanabad in connection with Sessions Trial No.454 of 2019/ 62 of 2019 arising out of Karpi (Banshi O.P.) P. S. Case No.139 of 2010, subject to condition that one of the bailers shall be the father of the petitioner namely, Jairam Sharma @ Raj Kishor Sharma and further, if the petitioner on two consecutive dates does not appear before the trial Court, the learned trial Court will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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