

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21355 of 2022**

Arising Out of PS. Case No.-355 Year-2019 Thana- SITAMARHI District- Sitamarhi

MANOJ SHARMA Son of Ram Pravesh Sharma Resident of village -
Rajopatti, Ward No.- 6, P.S. and District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Sitamarhi P.S.

Case No. 355 of 2019 registered for the offence under Sections 307,

341, 324, 379, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 29.10.2021.

The allegation against the petitioner is to assault informant

by knife, causing injury along with other co-accused persons with

intention to cause death.

Learned counsel appearing on behalf of the petitioner

submitted that petitioner has been involved in this case only for the

reason that his father is main assailant, namely, Madhav. It is also



submitted that specific allegation as regard to causing knife injury is against co-accused, namely, Madhav, where, allegation against this petitioner is only participation in the occurrence without specifying any overt act. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that specific allegation to cause knife injury is against co-accused, namely, Madhav.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner regarding assault is general and omnibus rather same is specific against co-accused, Madhav, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No. 355 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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