

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21216 of 2022

Arising Out of PS. Case No.-37 Year-2012 Thana- NASRIGANJ District- Rohtas

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Bijendra Sharma@ Vijendra Sharma Son Of Late Shiv Sharma Resident Of
Village - Rajpur, P.S.- Rajpur, Distt.- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Namrate Mishra, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Namrate Mishra, learned counsel for
the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Nasariganj (Rajpur)P. S. Case No. 37 of
2012 for the offences punishable under Sections 147, 148,
149, 341, 323, 307, 506 of the Indian Penal Code and
section 17 of C.L.A Act. Later on section 302 of the Indian
Penal Code is added.

The prosecution case is based on the fardbeyan of
the informant alleging therein that while he was proceeding



to Rajpur market and as soon as, he reached near the house of one Madan Sharma, 8 to 10 FIR named persons and 3 to 4 unknown persons variously armed started assaulting him causing injury on his head and hand. In the meantime, some villagers came in his rescue however, having seen them the accused persons went to the roof and also made indiscriminate firing causing injury to Ravi Mohan Singh, who subsequently died.

Learned counsel for the petitioner submits that from the FIR , it is evident that no specific allegation has been attributed against anyone and general and omnibus allegation have been levelled against 10 FIR named accused persons and 3 to 4 unknown persons. It is next submitted that from the tenor of the FIR, it would be evident that the FIR has been instituted in the back drop of animosity between the informant and the petitioner and others, who are said to be members of extremists group. She next submits that other co-accused persons having identical allegation have already been allowed privilege of bail by learned co-ordinate Bench of this Court. The copies of which have been brought on record by way of Annexure-2



series. She fairly submits that this is a case of 2012 but as the petitioner was staying at different place, he was not aware with regard to institution of the present case. She last submits that the petitioner is in custody since 27.01.2022 having fair antecedent is ready to give under taking that he will remain present on each and every date and fully co-operate during the course of trial.

On the other hand, learned counsel for the State opposed the bail application and submits that that there is allegation against the petitioner that in furtherance of common intention all the co-accused persons fired upon the deceased, apart from that he remained absconder for a long period of nine years.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus allegation against all the accused persons including the petitioner, and other co-accused having identical allegation have already been allowed privilege of bail by different learned co-ordinate Bench of this Court, apart from under taking given by the petitioner and his fair antecedent, let the petitioner, above named, be released on



bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub- Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with session trial no. 109 of 2017 arising out of Nasriganj (Rajpur) P.S.Case No. 37 of 2012, subject to the condition that one of the bailors will be the close relatives 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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