

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28610 of 2022

Arising Out of PS. Case No.-335 Year-2019 Thana- SAKRA District- Muzaffarpur

Vipul Sharma @ Vipin Sharma Son of Sri Nawal Kishor Sharma @ Nawal Kishor Thakur Resident of Village - Haripur Krishna, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar, Adv.
For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Sakra P.S. Case No. 335 of 2019 lodged under Sections 399, 402 of the I.P.C. read with Sections 25(1-b)a, 26/35 of the Arms Act & 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the recovery of 750 ml wine alongwith the arms, pistol, knife, live cartridges are the subject matter of the present case.

Learned counsel for the petitioner submits that this case has been filed against 5 known accused persons. Counsel

further submits that from the F.I.R., it transpires that neither wine nor arms or live cartridges or knife anything has been recovered from his possession. Counsel for the petitioner submits that there are in total 17 criminal cases pending against him and due to his criminal antecedent, his name was again and again put in the different cases by the police. He submits that out of 17 cases, he is on bail in 15 cases. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. In the present case, he is in custody since 17.11.2021.

Learned counsel for the State opposes the prayer for bail and submits that there are series of cases pending against the present petitioner and most of the cases belongs to the same P.S. that is Sakra P.S.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise-I, Muzaffarpur in connection with Sakara P.S. Case No. 335 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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