

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34629 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- DARIYAPUR District- Saran

1. BACHA SHARMA @ BIRENDRA SHARMA S/o Late Dharikshan Sharma
Resident of Village- Akbarpur Kothi, P.S.- Dariyapur, District- Saran.
2. Suresh Kumar Sharma @ Sonu Sharda S/o Bacha Sharma @ Birendra
Sharma Resident of Village- Akbarpur Kothi, P.S.- Dariyapur, District-
Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s :	Mr.Yogendra Kumar, APP
	Mr. Bijay Bhushan Prasad, APP
	Mr.Shekhar Harshawardhan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Dariyapur P.S. Case No. 176 of 2022 registered for the alleged offences under Sections 147, 148, 149, 323, 392 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, petitioners along with other



co-accused persons on the gunpoint looted the bag of the complainant containing Rs. 47,000/-, gold ring and gold chain worth Rs. 1,00,000/-, Rs. 5200/- in cash from pockets and also the chain of the wife of the informant worth Rs. 50,000/-.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. It is apparent from the F.I.R. that occurrence is alleged to have taken place on 19.12.21 and complaint was lodged on 23.12.2021 and thereafter the F.I.R. was instituted on 03.04.2022. There is no explanation for the delays. Learned counsel further submits that the petitioners and the informant are co-villagers and the present case has been lodged by the informant only to pressurize the petitioners as several cases are pending between the petitioners and informant's family members. One Title Suit No. 529 of 2015 is also pending. The co-accused Kameshwar Prasad Singh has lodged a case vide F.I.R. bearing Dariyapur P.S. Case. No. 624 of 2021 against the informant and his family members prior to lodging of the present case under Section 307 and other sections of I.P.C. and Section 27 Arms Act. Learned counsel further submits that the petitioners have been made accused in altogether six cases and except one case all other cases have



been alleged either by the family members of the informant or at the instance of the informant and in all such cases the petitioners are on bail. Charge sheet has been submitted in this case and the petitioners are in custody since 09.05.2022. Allegations are general and omnibus along with other co-accused persons.

Learned APP for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel further submits that there is specific allegation against the petitioners.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the pending cases between the parties and probability of false implication being there, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-XIII, Saran at Chapra in connection with Dariapur P.S. Case No. 176 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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