

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36375 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- KRITYANAND NAGAR District- Purnia

Pulain Sharma, Son Of Radhey Sharma, R/O- Basha Sahu Tola , P.S.- K.
Nagar, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Bidhu Ranjan, Advocate
		Mr. Sumit Jha, Advocate
For the Opposite Party/s :		Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-09-2022 Heard Dr. Bidhu Ranjan duly assisted by Mr. Sumit Jha, learned counsel for the petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with K. Nagar P.S. Case No.08 of 2022 instituted under Sections 341, 323, 324, 307, 354B, 379, 504, 506/34 of the Indian Penal Code.

The allegation in the FIR is that due to land dispute the accused assaulted the informant and his wife Nutan Devi and in the process the allegation against the petitioner is that he gave blow on the head of the informant's wife Nutan Devi causing injury on her head. The subsequent allegation is of



outraging her modesty as also snatching of Rs.5000/-.
Accordingly, the F.I.R. was lodged.

Learned counsel for the petitioner submits that there has been dispute between the parties relating to the land and also there is delay in lodging of the FIR. It is his last submission that the petitioner is in custody since 08.02.2022. The learned counsel for the petitioner submits that though he denies the allegation made against him, since the lady has suffered injuries and is her next door neighbour, the petitioner on his own wants to provide financial assistance of Rs.50,000/- to her through Demand Draft issued by the State of India local Branch in the name of Nutan Devi which would be submitted on his behalf before the Trial court irrespective of the outcome of the bail application.

Considering the fact that the petitioner is in custody since 08.02.2022, he do not have any criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him privilege of bail subject to payment of Rs.50,000/- through Demand Draft issued by the State of India local Branch in favour of Nutan Devi (wife of the informant), which will be deposited before the Trial court and released to the said Nutan Devi after checking her credentials (Aadhar Card, Voter I-Card,



etc.).

Let the petitioner be released on bail (subject to payment of Rs.50,000/- through Demand Draft issued by the State of India local Branch in favour of Nutan Devi, wife of the informant) on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with K. Nagar P.S. Case No.08 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.



Before parting, this Court would like to put on record its word of appreciation for Mr. Sumit Jha, learned counsel appearing on behalf of the petitioner for the assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan /-

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