

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41107 of 2022

Arising Out of PS. Case No.-270 Year-2019 Thana- JANDAHA District- Vaishali

Krishna Mohan Sharma Son Of Mahesh Sharma R/O Village- Kajri Buzurg,
P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner 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.

In the present case, the petitioner seeks bail in
connection with Jandaha P.S. Case No. 270 of 2019 registered
for the alleged offences under Sections 341, 323, 307, 379, 504
and 34 of the Indian Penal Code.

As per prosecution case, the informant was
assaulted by the petitioner and other co-accused persons by *rod*
and *khanti* and the informant became unconscious. It is further
alleged that these assailants also assaulted the nephew of the
informant and his cousin. The petitioner also took away the gold
locket from the neck of the informant. The occurrence took



place in the background of land dispute.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case in the background of land dispute. The allegation is against two persons for assault on the informant and one of the co-accused person Nagmani Sharma has been granted bail by the learned court below. Other named co-accused persons have also been allowed bail by a Coordinate Bench vide order dated 16.03.2021 passed in Cr. Misc. No. 33491 of 2020. The injury report does not corroborate the allegation as only two injuries have been found on the person of the informant. One was on head and second was on eyelid. There is no allegation of repeated assault so no case under Section 307 of I.P.C. would be made out. Charge sheet has been submitted in this case and the petitioner is in custody since 21.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that allegation of assault is against two persons and is not specific against this petitioner and further considering the nature of injuries along with period of custody and his clean antecedent along with submission of



charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Hajipur, Vaishali in connection with Jandaha P.S. Case No. 270 of 2019, 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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