

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48443 of 2022

Arising Out of PS. Case No.-43 Year-2020 Thana- KISHUNPUR District- Supaul

SHIVCHARAN SHARMA SON OF BHOLA SHARMA R/O VILLAGE-
KHAKHAI, P.S.- KISHANPUR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is the second attempt of the petitioner to approach before this Court for bail. Earlier, vide detailed order dated 27.05.2021 passed in Cr. Misc. No. 4678 of 2021, the prayer for bail of the petitioner was rejected.

Vide order dated 19.10.2022, a report was called for from the learned Court below regarding the stage of the trial and the time likely to be taken in conclusion of the trial. In compliance thereof, a report dated 05.11.2022 has been sent by



the learned Judge, which is at Flag 'R' to this application. In his report, the learned Judge has, *inter alia*, stated that the trial may be concluded within three months.

The petitioner seeks bail in a case registered for the offence punishable under Section 366A/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The victim has been examined as P.W.2 and in her deposition she has denied the aforesaid allegation. Similarly situated co-accused, Asha Devi and another has been granted bail by a co-ordinate Bench of this Court vide order dated 20.05.2021 passed in Cr. Misc. No.35137 of 2020. The petitioner has no criminal antecedent and has been languishing in custody since 17.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



Court below where the case is pending/successor Court in
connection with Kishanpur P.S. Case No.43/2020.

(Anjani Kumar Sharan, J)

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