

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58595 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- RAGHOPUR District- Supaul

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NAGMANI SHARMA Son of Motilal Sharma R/o village - Bhagta Tola,
Daulatpur, P.S.- Raghapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Raghapur P.S. Case No. 108 of 2021 registered for the offence under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code.

The petitioner along with his associates are said to have assaulted the husband of the informant resultantly he sustained injury.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that although there is allegation of assault by means of lathi against the petitioner, but according to the injury report, the victim has not sustained external injury on his temporal region rather the doctor has found a single and superficial injury on the person of the victim which is simple in nature and the same is not caused by a hard and blunt substance. Moreover, no repetition of assault by any hard and blunt substance is attributed to the petitioner, which is apparent from the F.I.R. itself. The petitioner is rotting in judicial custody since 06.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Birpur at Supaul in connection with Raghapur P.S. Case No. 108 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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