

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50356 of 2022

Arising Out of PS. Case No.-76 Year-2009 Thana- TEKARI District- Gaya

=====

GIRJESH SHARMA SON OF LATE BHANU SINGH R/O VILLAGE-
PURA, P.S.- TEKARI, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rama Kant Sharma,Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard Mr. Rama Kant Sharma, learned Senior

counsel for the petitioner and Mr. Jitendra Kumar Singh, learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Tekari P.S. Case No. 76 of 2009 under Sections 341, 323, 307,

447, 504 and 506/34 of the Indian Penal Code and Section 27

of Arms Act.

As per the F.I.R., the allegation is that informant had

sown wheat and once it grew and was ready for harvesting, the

petitioner herein along with other accused persons variously

armed tried to harvest it. Upon protest, it is alleged that the



accused persons started assaulting with further allegation that this petitioner opened fire which hit the right hand of Manchal Kumar. Accordingly, the F.I.R was instituted.

Learned Senior Counsel concedes that it is a fact that the matter is of 2009 and the petitioner after rejection of his anticipatory bail should have surrendered and taken recourse to legal remedy available under the law of the land which he failed to do.

He, however submits that for the said subsequent act of his of not coming into judicial custody for long, he has already suffered by being in jail since 16.04.2022 (as stated in paragraph-14 of the bail application), is of 73 years of age now and is ready to abide by all the terms and conditions as imposed by the Court, if granted the privilege of bail.

So far as the FIR is concerned, he submits that a bare perusal of the F.I.R shows that the fire allegedly opened by the petitioner hit the hand of the Manchal Kumar and thus nature of injury was found to be simple which would reflect from the report of the concerned Medical Officer of Primary Health Center, Tekari, Gaya which has been made part of the bail application (Annexure-3).

Although it is unfortunate that in a matter of 2009, the



petitioner evaded arrest for almost 13 years specially when his anticipatory bail was rejected, in view of the fact that the nature of the injury is simple, he is of 73 years of age and is in custody since 16.04.2022, this Court is inclined to grant him privilege of bail with certain conditions:

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Judicial A.C.J.M.-2nd, Gaya in connection with Tekari P.S. Case No. 76 of 2009, subject to the 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 appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again 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.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

