

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66551 of 2021**

Arising Out of PS. Case No.-106 Year-2021 Thana- JAMOBABAZAR District- Siwan

Bharat Sharma Son of Late Jodha Sharma Resident of village - Baldiha, P.S.-
Jamo, District - Siwan, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kant, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 25-07-2022 Heard Mr. Mukesh Kant, the learned counsel for the

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

the State.

The petitioner is in custody in connection with Jamo
P.S. Case No. 106 of 2021 under sections 147, 148, 149, 341,
323, 324, 307 and 379 of the Indian Penal Code.

Case and counter case were filed between the parties.

Both the informants and the accused persons are agnates.

As per the prosecution story, all the accused persons
including the petitioner herein due to dispute relating to land
attacked the informant and his family members. So far as this
petitioner is concerned, it has been alleged that he gave injury
on the head of Jawahar Sharma which the doctor opined to be
grievous in nature.



Learned counsel for the petitioner submits that for the same cause of action, one more FIR was lodged vide Jamo P.S.Case No. 107 of 2021 under sections 341/ 323/ 324/379/34 of the Indian Penal Code in which the allegation of assault by the informant and his family members to the present accused and his family members were alleged. He further alleged that the petitioner herein also received injury on the scalp which the doctor opined to be simple in nature. He lastly submits that he is in custody since 18.9.2021 (as stated in para-13 of the bail application).

Taking into account the fact that there is case and counter case in the matter, the petitioner is in custody since 18.9.2021, the petitioner has no criminal antecedent and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain conditions. If however, it is found that he has criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Siwan, in connection with Jamo P.S. Case No. 106 of 2021 subject to the following conditions:



(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next one year to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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)

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