

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66552 of 2021

Arising Out of PS. Case No.-475 Year-2020 Thana- BUXAR District- Buxar

Sunil Vishwakarma @ Sunil Sharma @ Sunil Kumar Sharma, Son Of Late
Baidyanath Prasad @ Late Baij Nath Prasad Resident Of Village - Chandapur,
P.S.- Cholapur (Janpad), District - Varanashi (U.P.).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 448, 307, 506, 120B of the
Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 24.10.2020, charge-sheet has been
submitted in the case and has antecedent of one case.

The learned counsel for the petitioner submits that the
informant alleges that on 20.10.2020, an unknown person fired
at his brother causing injury on his left hand and waist. Further
the accused persons fled seating on a motorcycle, which was
driven by the petitioner. Further alleges that on assurance of
Lala Sharma, the informant had given loan of Rs. One lac and
tobacco of Rs.25,000/- to the petitioner. It is further alleged that
one Baban Sharma called the informant and asked him to return



the jewellery of the wife of the petitioner which he had mortgaged in lieu of the loan, on which the informant became ready provided his money was returned. Thus, alleges that the occurrence was committed by the petitioner, his wife, Lala Sharma, Baban Sharma and through an accused.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the petitioner and the informant were known to each other as the informant had given loan and in lieu thereof, the petitioner had mortgaged the jewellery of his wife. It is thus submitted that it absolutely does not stand to reason that if the petitioner intended to get the occurrence committed, then he would have exposed himself by fleeing with the unknown assailant, who is alleged to have fired at the brother of the informant and thus, creates evidence against himself.

The learned counsel submits that since there was a dispute relating to money and jewellery as it has come in the F.I.R., as such, the informant after the occurrence took the same as an opportunity to implicate the petitioner in the present case. It is further submitted that the trial has commenced and out of



seven prosecution witnesses, one witness has been examined.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S. Tr. No.99 of 2021 arising out of Buxar (T) P. S. Case No.475 of 2020.

However, it is made clear that if the learned Court below comes to a conclusion that the petitioner after his release is trying to delay the trial, the learned Court below shall forthwith cancel his bail bonds after recording reasons.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

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

