

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68209 of 2021**

Arising Out of PS. Case No.-264 Year-2021 Thana- ARA NAGAR District- Bhojpur

Gauri Shankar Sharma Son of Ram Janam Sharma Resident of Village -
Brahampur, Post office- Kirkiri, Police Station - Azimabad, District - Bhojpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, APP
For the Informant	:	Mr. Suraj Narayan Yadav

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 18-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ara Town
P.S. Case No. 264 of 2021 registered for the offence under
Sections 406 and 420 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2021.

The allegation against the petitioner is to commit
cheating of Rs.2,50,000/- on the informant, by making false
assurance of appointment to the post of Anganwari Supervisor.

Learned counsel appearing on behalf of the petitioner
submitted that the present F.I.R. was lodged after a delay of five
years where both the parties are known to each other. It is



submitted that different prosecutions have been initiated by complainant and her family members for the same set of occurrence. It is further submitted that petitioner is ready to deposit cheque of Rs.2,50,000/- in favour of the informant before the Trial Court/Nazarat, subject to the outcome of the trial. It is submitted that the father of the informant/complainant was involved in corrupt practices, which was opposed by the wife of the petitioner, being Mukhiya of the village, which is one of the reason for present false implication. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded that the present F.I.R. was lodged after a delay of five years.

Considering the facts and circumstances as mentioned above, as F.I.R. was lodged after a delay of five years without having any just explanation coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ara Town P.S. Case No. 264 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Rama Shankar Sharma, who is the elder brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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