

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5428 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- WARISNAGAR District- Samastipur

Lal Babu Sharma Son Of Dilip Sharma R/O Village- Rambhadrapur, Ward
No.- 2, P.O.- Ratwara, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate
		Mr. Devashish Giri, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
21.06.2022 in connection with Warisnagar P.S. Case No. 208 of
2022, F.I.R. dated 21.06.2022 for the offences punishable under
Sections 147, 148, 149, 341, 302, 504, 506 and 120B of the
Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons chased the younger brother of the
informant, namely, Rishi Kumar and brutally assaulted him with



iron rod, fathha, electric angle etc, due to which he sustained severe injuries and later on declared dead.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R. is 19.06.2022 but the present F.I.R. has been instituted on 21.06.2022 i.e., after delay of 2 days without giving any explanation of the said delay. He further submits that from perusal of the F.I.R. it transpires that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Yashwant Kumar @ Pappu Rai has been granted bail by a Co-ordinate Bench of this Court vide order dated 02.05.2023 passed in Cr. Misc. No. 7846 of 2023. The petitioner is in custody since 21.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of



the bail petition that the petitioner is on bail in the said case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Judicial Magistrate 1st Class, Samastipur in connection with Warisnagar P.S. Case No. 208 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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