

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4769 of 2023

Arising Out of PS. Case No.-102 Year-2021 Thana- JANTA BAZAR District- Saran

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PAPPU KUMAR SHARMA @ PAPPU SHARMA Son of Suresh Sharma
R/v- Kharauni, P.S.- Janta Bazar, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.11.2022 in connection with Janta Baar P.S. Case No. 102 of
2021, F.I.R. dated 17.05.2021 for the offences punishable under
Sections 147, 323, 324, 307, 354, 441, 447, 504 and 506 of the
Indian Penal Code.

According to prosecution case, as per written report of
the informant stating therein that on 13.05.2021 at about 16:30,
all the F.I.R. named accused persons came there with deadly
weapons in their hands with an common intention to kill him
due to a civil dispute which is going on between the parties. It is
further stated that co-accused Suresh Sharma gave a farsa to
Pappu Kumar Sharma (petitioner) by which the assaulted on the
head of the informant and when Krishna Kumar Sharma,



Nanhelal and Ashima Kumari came and intervene with an intention to save him then the accused persons also assaulted them.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to land dispute between the parties. He further submits that there is case and counter case between the parties and the allegation as alleged in the F.I.R. is false and fabricated and both the parties are agnates. He further submits that due to land dispute the present occurrence has taken place and both sides have sustained injury. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 30.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Miss Priya Barnwal, Judicial Magistrate, 1st Class, Saran at Chapra in connection with Janta Baar P.S. Case No. 102 of 2021, 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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