

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11899 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- BITHAN BAZAR District- Samastipur

DAYARAM SHARMA Son of Sagar Shrama @ Ram Sagar Sharma R/v-
Chandauli Pipra, P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha Mr. Shishir Kumar Shishir, Advocates
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 04.11.2022, in connection with Bithan P.S. Case No. 199 of 2022, F.I.R. dated 03.11.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 307, 323, 324 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that the accused petitioner took out a pistol from waist and fired upon Swatantra Kumar and in the meantime Babloo Sharma and Gopi Sharma also assaulted to Swatantra Kumar by means of bamboo bats, due to which Swatantra Kumar sustained injury and started vomiting.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the present case is counter blast of Bithan P.S. Case No. 200 of 2022 filed by the father of the petitioner against the informant and his family members. He further submits that as per allegation in the F.I.R. against the petitioner is that he fired upon the Swatantra Kumar but the same was not hitted to anyone. He further submits that the allegation against the petitioner of firing is totally false and fabricated and the petitioner has not fired anyone and there is no recovery of any firearms from the possession of the petitioner and due to previous dispute the present occurrence had taken place. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.11.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Rosera, Samastipur, in



connection with Bithan P.S. Case No. 199 of 2022, with 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 witness, 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 antecedents, 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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