

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12717 of 2023

Arising Out of PS. Case No.-846 Year-2022 Thana- MADHEPURA District- Madhepura

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Anirudha Sharma @ Anrudha Sharma Son of Late Bindeshwari Sharma
Resident of Manikpur, Ward No.- 01, P.S.- Madhepura (Bharrahi), District -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.09.2022 in connection with Madhepura (Bharrahi O.P.) P.S.
Case No. 846 of 2022, F.I.R. dated 06.09.2022 for the offences
punishable under Sections 302, 34 of the Indian Penal Code.

According to prosecution case, in brief, is that
informant Fulmain Devi gave a written application alleging
therein that on 03.09.2022 at about 05:00 P.M. petitioner along
with three named accused persons started assaulting the husband
of the informant with intention to kill. All accused persons
including petitioner assaulted the husband of the informant by
lathi, dabia, bricks. When Nunulal Sharma became unconscious



and nearby person came there then they were fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and petitioner is father-in-law of the son of the informant and there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one in which petitioner was acquitted.

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 Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi) P.S. Case No. 846 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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