

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18518 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- BIHARIGANJ District- Madhepura

Wakil Sharma @ Wakil Sharma, Son Of Bhagwat Sharma, Resident Of Village
- Sarauni Kala, Ward No. 11, P.S. Bihariganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bihariganj P.S. Case No. 161 of 2022, registered for the alleged offences under Sections 147, 148, 149, 447, 448, 341, 323, 324, 307, 302, 427, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons came to the house of the informant and started damaging the house of the informant. On opposition being made by the informant and his family members, they brutally assaulted them and the co-accused persons assaulted the father of the informant causing serious injury to him and when the brothers of the informant tried to save him, the other co-



accused persons also brutally assaulted them causing grievous injury. When the nephew of the informant came to their rescue, this petitioner along with other accused persons assaulted him. They also took away household articles, cash, ornaments from the house of the informant. The father of the informant died during his treatment.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the petitioner along with 12 FIR named persons and 20-25 unknown persons came to the house of the informant and the petitioner was armed with lathi and dabiya, but the injury caused to the victim Dilip Sharma is simple in nature. The learned counsel further submits that the occurrence is stated to have taken place on 22.06.2022, but a typed application has been given on 24.06.2022. There is no explanation for the delay. Moreover, the FIR has been sent to the court concerned on 29.06.2022,i.e., after five days of registration of the FIR. The witnesses examined by the police are all related to the informant. Further, from the FIR, it is clear that there was no intention of the petitioner to kill the father of the informant and there is no specific allegation against the petitioner for using the dabiya or lathi or giving any blow to the



deceased. The petitioner is in custody since 05.12.2022 and the charge sheet has been submitted. The petitioner has got no criminal antecedent. Similarly placed co-accused Phulchand Sharma has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 20.03.2023 passed in Cr. Misc. No.68304 of 2022.

5. Learned A.P.P. opposes the prayer for bail submitting that due to assault made by the petitioner and the co-accused persons, the father of the informant lost his life and other persons suffered different injuries.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of specific allegation against this petitioner for causing any injury to the deceased and further considering the grant of anticipatory bail to the similarly placed co-accused person and also considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII, Madhepura/court concerned, in connection with Bihariganj P.S. Case No. 161 of 2022,



subject to the conditions mentioned in Section 437 (3) of the
Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative
of the petitioner.

(ii) The petitioner will remain present on
each and every date fixed by the court
below.

(iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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