

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23509 of 2023

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

RUPAK SHARMA @ RUPAN SHARMA S/O RAJENDRA SHARMA
Resident of Village- Sarauni Kala, Ward No.- 11, P.S.- Bihariganj, District-
Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bihariganj P.S. Case No. 161 of 2022 dated 24.06.2022
registered for the offence under Sections 147, 148, 149, 447,
448, 341, 323, 324, 307, 302, 427, 379, 504 and 506 of the
Indian Penal Code.

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 the protest made by the informant and his family
members, they brutally assaulted the m 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, he has also been assaulted the by the accused persons. They also took away household articles, cash, ornaments for the house of the informant. The father of the informant died during course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that from bare perusal of the F.I.R., it appears that the specific allegation of assault is attributed to the co-accused, Suresh Sharma, Amit Sharma, Vijendra Sharma and Rajendra Sharma causing him deadly injury due to which the father of the informant died during course of treatment. He further submits that so far as allegation of petitioner is concerned, he is said to have assaulted the informants' brothers, Umesh Sharma and Dilip Sharma along with other three accused persons. He further submits that the according to the injury report, injury of Dilip Sharma is opined to be simple in nature. He further submits that



similarly situated co-accused, namely, Wakil Sharma and Phulchand Sharma, have already been granted bail vide order dated 16.05.2023 and 20.03.2023 passed in Cr. Misc. No. 18518 of 2023 and Cr. Misc No. 68304 of 2022 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.D.J.-VIII, Madhepura in connection with Bihariganj P.S. Case No. 161 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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