

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21894 of 2022**

Arising Out of PS. Case No.-64 Year-2021 Thana- KHUDWA District- Aurangabad

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BABUI SHARMA @ RANJAN SHARMA SON OF SHIV PRASAD
SHARMA R/O VILLAGE- DIHURI, P.S.- KHUDWAN, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Ms.Renuka Ratnakar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 12-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Khudwan
P.S. Case No. 64/2021 registered for the offences punishable
under Sections 341/323/324/379/504/34 of the Indian Penal
Code and subsequently Section 307 of the Indian Penal Code
was added vide order dated 06.01.2022.

As per prosecution case, there is allegation against the
petitioner to have assaulted the informant by means of rod on
the right temple and there is allegation against co-accused Anuj
Kumar to have assaulted on the right eyebrow of the informant



and the informant was also assaulted by the other accused persons with fists and slaps.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to village politics. The petitioner is languishing in custody since 28.02.2022 and bears criminal antecedent of two cases in both cases he is on bail. He further submits that there is allegation of assault against the petitioner by means of rod on the right temple. The injury report opined only three injuries but none of the injury is on the temple side of the informant, one injury is on the right eyebrow and another injury is on the back and third injury on the neck which clearly falsifies the allegation against the petitioner and the injury against right eyebrow was reserved and upon C.T. Scan analysis it was found grievous in nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the



prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Aurangabad in connection with Khudwan P.S. Case No. 64/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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