

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28837 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- PARBATTI District- Khagaria

Shivam Sharma Son of Shashi Bhushan Sharma, Resident of village-
Mujahida, P.S.-Parwatta, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 24.11.2022 in connection with Parbatta P.S. Case No. 461 of 2022, F.I.R. dated 26.10.2022 for the offences punishable under Sections 341, 294(b), 354(b), 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 67, 67(A) of the Information and Technology Act.

3. According to prosecution case, the informant stating therein that on 26.08.2022 at about 08:00 P.M. petitioner Shivam Sharma locked informant in room and outraged her modesty with intent to rape on the point of arms and also took naked pictures from his mobile after threatening her to kill. It is further alleged that petitioner uploaded her naked video of



informant on social media and also put pressure to marry with him. On 25.10.2022 petitioner abused and threatened the informant's parents to kill. Accused Shashi Sharma fired upon informant's father with country made pistol from which he narrowly escaped.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that bare perusal of F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 26.08.2022 but the present F.I.R. was instituted on 26.10.2022 after delay of about two months without any explanation of delay. He further submits that in fact the petitioner was in love with the victim girl and petitioner has not committed anything wrong with the victim and it has come during investigation in para-9 of the case diary that the statement of the Ajay Kumar Sharma recorded , in which he has categorically stated that he has seen the video footage of the petitioner and victim have taking bath in a swimming pool and it is known everyone in the village that there is love affairs between them. He further submits that the



police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 24.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner which is very serious nature.

6. 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, Khagaria in connection with Parbatta P.S. Case No. 461 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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