

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37601 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- BARBIGHA District- Sheikhpura

1. Himkar Sharma Son Of Devniti Sharma Resident Of Village - Badarthi, P.S. - Barbigha, District - Sheikhpura
2. Nirbhay Kumar Son Of Rajesh Prasad Singh Resident Of Village Sherpar Ps Barbigha District Sheikhpura
3. Sonu Kumar Son Of Raj Kumar Singh Resident Of Village - Sherpar, P.S. - Barbigha, District - Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Opposite Party/s	:	Mrs. Dr. Indihar Kumari, APP
For the Informant	:	Mr. Sanjay Singh, Sr. Advocate
		Mr. Neeraj Singh, Advocate (AoR- 536)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 14.03.2023 in connection with Barbigha P.S. Case No. 100 of 2023, F.I.R. dated 25.02.2023 for the offences punishable under Sections 147, 149, 341, 323, 354, 384 and 504 of the Indian Penal Code.

3. According to prosecution case, the accused persons named in the F.I.R along with other 20 persons reached the office of the informant and forcefully uninstalled the CCTV



camera and also misbehaved with the employees of Barbigha Nagar Parishad and obstacle them in discharging their duties.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation. He further submits that nothing has come during investigation to suggest the involvement of these petitioners in the present case and at best the petitioners are members of the mob and there is no acquisition of any assault or overt act attributed against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Gopal Singh who is named in the F.I.R has been granted bail by this Hon'ble Court vide order dated 10.08.2023 passed in Cr. Misc. No. 50578 of 2023. The petitioners are in custody since 14.03.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners were also involved in the present crime in question and



petitioner, namely, Himkar Sharma carries one criminal antecedent, petitioner, namely, Nirbhay Kumar carries two criminal antecedents and petitioner, namely, Sonu Kumar carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that these petitioners are on bail in all the pending cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Barbigha P.S. Case No. 100 of 2023, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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