

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41433 of 2022**

Arising Out of PS. Case No.-67 Year-2021 Thana- NARDIGANJ District- Nawada

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BALMIKI SHARMA S/O LATE YADUNANDAN SINGH Resident of At
and P.S.- Mohariyabagh, District- Arwal

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Adv

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Learned counsel for the petitioner is permitted to

make necessary correction in prayer portion of the petition

during course of the day.

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

Nardiganj P.S. Case No. 67 of 2021 registered for the offences

punishable under Sections 323, 341, 354, 379, 504, 427 of the

Indian Penal Code.

As per prosecution case, informant's cash of Rs.

76,000/- and ATM card have been snatched by the co-accused

Ramkripal Yadav and informant was also assaulted by the



accused persons. It is also alleged that family members of informant were also assaulted by the accused persons. It is also alleged that accused persons snatched Rs. 15,000/- from the kurta of informant's father and gold chain from informant's mother.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in this case during the course of investigation on 20.10.2021 in re-statement of informant recorded at para 238 of the case diary after six months of lodging of the present FIR which has been lodged on 13.04.2021. He further submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case as petitioner is posted in police station as Munshi and he has no concern with the alleged occurrence. From perusal of the FIR, it is clear that petitioner is not present at the place of occurrence. He further submits that Rs. 76,000/- has been returned back to the relative of the informant by the order of Dy.S.P. Petitioner is in custody since 06.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.



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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawadah/ concerned court in connection with Nardiganj P.S. Case No. 67 of 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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