

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45443 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- TAJPUR District- Samastipur

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LAKSHMAN SHARMA @ LAKSHMAN KUMAR SHARMA @
LAXMAN KUMAR son of Braj Kishor Sharma Village- Morwa Rai Tola Ps-
Musarigharari Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Tajpur P.S. Case No. 164 of 2023 for the offence registered under sections 307 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 26.03.2023 by the informant, Sonal Kumar Sharma.

As per the prosecution story, the allegation is that this petitioner as also one Sonu Sharma came, when the informant was on an evening walk and opened fire which did not hit him. Accordingly, the FIR.

Learned counsel for the petitioner submits that only to implicate him, the present FIR. The alleged occurrence took



place on 24.03.2023 whereafter the FIR has been lodged on 26.03.2023 and further he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the submissions put forward by the learned Counsel for the petitioner as also there is delay in lodging of the FIR and do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Tajpur P.S. Case No. 164 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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