

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51562 of 2023

Arising Out Of Ps. Case No.-382 Year-2023 Thana- Gopalganj Town District- Gopalganj

Raj Sharma @ Raja Sharma S/O Dudhi Sharma @ Dudhnath Sharma R/O
Village- Sareya Ward-1, P.S And P.O- Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 27.05.2023 in connection with Gopalganj P.S. Case No. 382 of 2023, F.I.R. dated 21.05.2023 for the offences punishable under Sections 341, 323, 324, 307, 379, 506/34 of the Indian Penal Code.

3. According to prosecution case, the informant Sikandra Sah and his friend Vikash Kumar @ Vikky Kumar were return from a marriage ceremony than five people including the petitioner, they stop them on the arms point and demand for money, and when they refused than Abhishek Sharma stabbed on the informant head and when informants friend try to save him then Nikhil Patel also stabbed him on his head than Ritik Sharma, Raj Sharma and Vishal Patel looted all



Rs.8400/- and fled away.

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 the 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 there is specific allegation against co-accused namely, Abhishek Sharma and Nikhil Patel who have stabbed the knife blow upon the informant and there is no specific allegation of any assault or overt-act is attributed against the petitioner and the allegation against the petitioner that he has looted Rs.8400/- from the pocket of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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, Gopalganj in connection with Gopalganj Town P.S. Case No. 382 of 2023, 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)

mdrashid/-

U		T	
---	--	---	--

