

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54847 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- BIKRAM District- Patna

Rahul Ranjan Sharma, Son of Praduman Sharma, Resident of Village-
Mahammadpur, P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi, Wife of Rahul Ranjan Sharma, Resident of Village-
Mahammadpur, P.S.- Bikram, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Samrendra Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Kumar Ranjit Ranjan, APP
For Opposite Party No.2 :	Mr. Satya Prakash Parasar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 15-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Samarendra Kumar Jha, learned counsel
for the petitioner, Mr. Satya Prakash Parasar, learned counsel for
the Informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bikram P.S. Case No. 317 of 2021 registered
for the offences punishable under Sections 341, 323, 504, 307,
498A of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that the marriage
of the petitioner was solemnized with the informant in the year



2004 and after the marriage, as the petitioner, who is a drunkard person, used to indulge in misbehaving and assaulting the informant invariably. It is also alleged that on 05.11.2021 in course of misbehaving he wiped out his pistol and fired in the air in order to terrorize and also assaulted the children and ousted the informant from his house.

Learned counsel appearing on behalf of the petitioner submits that admittedly the marriage has been solemnized way back in the year 2004 and from the wedlock two children were born and there was a good relationship between the petitioner and the informant. However, on account of some wear and tear of married life, this F.I.R. has been instituted. He further submits that the petitioner is ready to give undertaking that he will keep his wife with all the dignity. He lastly submits that in a case triable by the Magistrate, wherein the maximum punishment is three years, the petitioner is in custody since 21.12.2021 and, as such, he is already punished adequately.

On the other hand, learned counsel appearing on behalf of the informant drawing the attention of this Court to para. 3 of the bail application submits that the petitioner is a habitual offender, inasmuch, as he is involved in five other cases, besides the present once and there are three cases relating



to heinous crime, like murder. He also submits that the informant is apprehending danger to her life in view of the fact that the petitioner is a man of criminal antecedent and his release would might be dangerous to her life.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and undertaking given by the petitioner that he will ready to keep his wife/informant with all dignity, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Danapur, Patna in connection with Bikram P.S. Case No. 317 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(vi) The petitioner will mark his attendance before the Senior Superintendent of Police, Patna at least for a period of one year in the first week of every month and during the interregnum period, if it would be found that he is indulged in similar activities, the informant of this case would be at liberty to file application before the court below and Senior Superintendent of Police, Patna, who will take appropriate action against him.

(Harish Kumar, J)

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