

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3367 of 2022

Arising Out of PS. Case No.-513 Year-2022 Thana- PHULWARISHARIF District- Patna

ALOK SHARMA @ NARAYAN KUMAR @ ALOK ANAND SHARMA
Son of Rajeshwar Sharma R/V- Madhopur, P.S- Janipur, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujit Paswan Son of Late Bhairav Narayan Paswan R/V- Madhopur, P.S- Janipur, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s :	Mr. Sachchidanand Choudhary
For the Respondent no.1 :	Mr. Binay Krishna
For the Respondent no.2 :	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-01-2023 As per the postal peon report informant has refused to receive the notice.

Despite valid service of the notice nobody is present on behalf of the Respondent no.2/Informant.

Heard Ld. counsel for the appellant and Ld. Special Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 26.07.2022, passed by the Ld. Exclusive Special Court SC/ST Act, Patna, in connection with Phulwarisharif P.S. Case No. 513 of 2022, registered for the offences punishable under Sections



341, 323, 307, 504, 506, 379, 34 of the I.P.C. and 3 (ii) (va), 3(i) (r) (s) of SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 14.05.2022, after attending the marriage ceremony, when the *Bhagina* of the informant was returning to his house by a Tempo, the petitioner and other co-accused stopped the said Tempo and dragged him out. Thereafter, they started abusing him by taking his caste name and assaulted him with the butt of the pistol, due to which he sustained injury.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no alleged injury on the vital part of the body. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 15.06.2022.

It has also been stated in paragraph no. 3 of the



appeal that the appellant has been made accused in three other cases.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 26.07.2022, passed by Ld. Exclusive Special Court SC/ST Act, Patna, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Court SC/ST Act, Patna, in connection with Phulwarisharif P.S. Case No. 513 of 2022, **after framing of charge, if not already framed** on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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