

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57385 of 2023

Arising Out of PS. Case No.-42 Year-2001 Thana- PARBATTIA District- Khagaria

Madan Sharma Son Of Late Subhash Sharma Resident Of Village- Bandehra,
Ps- Pasraha ,District -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 26.04.2023 in connection with Parbatta (Pasraha) P.S. Case No.42 of 2021, F.I.R. dated 09.05.2001 for the offences punishable under Sections 147, 148, 149, 323, 302, 447, 427 of the IPC and 27 of the Arms Act.

3. According to prosecution case, when the informant cultivating his land accused persons including the petitioner came with variously armed and started cultivating the land for which his brother Ajay Kumar objected and he along with informant came with gun at spot which was snatched by Narad Sharma. More time Sarpanch Sharma fired which hit his brother Ajay Singh, Subhash Sharma and Narad Sharma assaulted the informant.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Earlier the petitioner was granted bail vide order dated 19.09.2001 in Cr. Misc. No.24804 of 2001 after that the bail bond of the petitioner was cancelled vide order dated 11.08.2009 by the learned Chief Judicial Magistrate, Khagaria and thereafter N.B.W. was issued against the petitioner. Thereafter, process under Sections 82 and 83 of the Cr.P.C. was also issued against the petitioner but the petitioner did not appear before the learned court below. Thereafter, the court below has declared absconder vide order dated 02.07.2012 and permanent warrant had been issued against the petitioner and the petitioner was arrested on 26.04.2023. Learned counsel for the petitioner submits that he has not misused the privilege of bail, in fact petitioner was not in the State and his pairvikar did not take interest in the case.

5. The learned Additional Public Prosecutor 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, Khagaria in connection with Parbatta (Pasraha) P.S. Case No.42 of 2021, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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