

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55709 of 2022

Arising Out of PS. Case No.-319 Year-2019 Thana- BIHARIGANJ District- Madhepura

MUKESH KUMAR SHARMA Son of Parmeshwsar Mistri @ Marmeshwari
Mistri R/O Village- Patvawaha, Putvaha, Ward No.3, P.S.- Saharsa, District-
Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bihariganj P.S. Case No. 319 of 2019 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, three miscreants came on
two motorcycle and assaulted the informant by means of butt of
pistol due to which informant sustained head injury. It is further
alleged that all the miscreants showing fear of pistol snatched
Rs. 4,85,000/-, one Intex company android mobile and other
items from the informant and fled away towards Bihariganj.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.06.2020. Petitioner bears three



criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. During the course of investigation, name of present petitioner has been surfaced in this case. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner has been remanded in this case from Murliganj P.S. Case no. 366 of 2019 in which his confessional statement has been recorded. No T.I.P. has been made till today. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that F.I.R. named accused Ranjit Mandal has already been granted bail vide Cr. Misc. No. 2374 of 2022 by a Co-ordinate Bench of this Court and the case of present petitioner stands on better footing as the petitioner is not named in the F.I.R.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail,



argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakisunganj, District Madhepura in connection with Bihariganj P.S. Case No. 319 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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