

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62725 of 2022

Arising Out of PS. Case No.-456 Year-2022 Thana- MADHEPURA District- Madhepura

LALAN SHARMA S/O YOGNANDAN SHARMA @ YOGNAND SHARMA Resident of Village- Baluaha, Ward No- 7, P.S.- Madhepura (Parmanandpur O.P.), District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-03-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 147,148,149,341,302 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution story as emerges from the FIR is that on 18.05.2020 at about 12.00 A.M. when the husband of the informant was returning from garage after getting his bike repaired, the petitioner and his associates fired upon him, due to which he sustained injuries and ultimately died.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the



specific allegation against co-accused, namely, Sanjiv Kumar Chaupal who have fired upon the husband of the informant. Further submits that there is no allegation of any assault or overt-act against the petitioner, at best, the petitioner is only a member of the mob. Further submits that there is admitted land dispute between the parties and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.05.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Madhepura (Parmanandpur O.P.) P. S. Case No. 456 of 2022, with 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/her absence on two consecutive dates without sufficient



reason, his/her 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)

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