

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66098 of 2023

Arising Out of PS. Case No.-102 Year-2021 Thana- JANTA BAZAR District- Saran

PAPPU KUMAR SHARMA @ PAPPU SHARMA Son of Suresh Sharma
RESIDENT OF VILLAGE KHARAUNI PS JANTA BAZAR DISTRICT
SARAN AT CHHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-10-2023 Heard Mr. Nawnit Kumar Tiwary, learned counsel for

the petitioner and Shyam Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Janta Bazar P.S. Case No. 102/2021, FIR dated 15.05.2021,
registered for offence punishable under Sections 147, 323, 324,
307, 354, 441, 447, 504 and 506 of the Indian Penal Code.

3. Earlier the petitioner was granted regular bail by
this Court in Cr. Misc. No. 4769 of 2023, vide order dated
22.06.2023, but the bail bond of the petitioner has not been
accepted by the learned trial court on the ground that he has
concealed his criminal antecedent. Thereafter, he had again
approached this Court for modification of the order dated



22.06.2023 by way of filing Cr. Misc. No. 48985 of 2023, which was dismissed, vide order dated 02.08.2023.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to land dispute between the parties. He further submits that there is case and counter case and the allegation is false and fabricated and the petitioner has not committed any offence, as alleged in the FIR. Both the parties are agnates and due to admitted land dispute, the occurrence had taken place and both sides have sustained injuries and the police submitted charge-sheet against the petitioner, who is under custody since 30.11.2022.

5. Learned APP for the State on the other hand has vehemently opposed the prayer for bail and submits that the petitioner carries a criminal antecedent other than the present one, but fairly submits that the petitioner is on bail in that case.

6. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Janta Bazar P.S. Case No.102/2021, subject to 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 canceled 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.

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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