

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66380 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- CHENARI District- Rohtas

Shyam Bihari Sharma, S/O Late Indradeo Sharma R/O Village- Ojhawalia,
P.S- Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Raj Kishore Prasad, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Chanari P.S. Case No. 66 of 2022, registered for the offences punishable under Sections 379/328 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 01.03.2022 one Pintu Sharma came to the chimney of the informant and asked him to arrange a Tractor for loading the bricks and on his request, the informant provided his Mahindra Tractor along with his driver. In the next morning, the informant



came to learn that co-accused Pintu Sharma after administering some intoxicant to the driver of the Tractor fled away along with his Tractor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR and with regard to the occurrence which took place on 01.03.2022 this FIR has been instituted on 06.03.2022 and no reason for delay has been assigned. He further submits that the name of the petitioner has transpired on the confession of co-accused Pintu Sharma however, save and except the extra judicial confession there is no other material suggesting the complicity of the petitioner apart from the fact that there is no recovery from the possession of the petitioner. He next submits that only on account of his past criminal antecedent his name has been implicated and now he is in custody for over a period of 7 months and the investigation is already complete.

On the other hand learned APP for the State opposed the bail application and submits that the petitioner carries criminal antecedent of two cases though out of which he has been acquitted in one case.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is



neither named in the FIR nor any incriminating material has been recovered from his possession and save and except the extra judicial confession there is no material suggesting his involvement, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Sasaram, Rohtas in connection with Chanari P.S. Case No. 66 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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