

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65919 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SAKURABAD District- Jehanabad

Mukesh Kumar @ Mukesh Sharma S/o Ramashish Singh @ Sipahi Ji @ Ram
Ashish Sharma R/o Village- Murhara, P.S.- Sakurabad, Distt- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Shakurabad P.S. Case No.56 of 2021 registered for the offence
under Sections 147, 149, 341, 323, 307, 337, 338, 353, 504 and
506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2022.

The allegation against the petitioner is to deter police
officials, while discharging their official duty alongwith other
co-accused persons, when they arrived to village of petitioner to
arrest a criminal. It is also alleged to assault police party by
using *lathi*, *danda* and brick-stones.

Learned counsel appearing on behalf of the petitioner



submitted that allegation against the petitioner is very much general and omnibus as per face of the F.I.R., where he appears only to be part of mob without specifying any overt act. It is submitted that the identification of petitioner was made by local *chowkidar* without having any basis, where implication of petitioner appears mainly due to his criminal antecedent as he found involved in eleven more criminal cases, where he is on bail. It is also submitted that in most of the cases the name of petitioner surfaced either on the basis of suspicion as of present case or on the basis of confessional statement. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and as name of petitioner surfaced in the present case merely on the basis of suspicion of local *chowkidar* without having any incriminating material coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with



Shakurabad P.S. Case No.56 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Jehanabad/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

