

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.67978 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- MAIN P.S. District- Gaya

RAM VINAY SHARMA S/o Late Ram Bilash Sharma R/o village- Samsara,
P.S.- Main, Distt- Gaya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Advocate
For the State : Mr. Amitesh Kumar, APP
For the Informant : Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Main
(Pai Bigha) P.S. Case No. 68 of 2022 registered for the offences
under sections 147, 148, 149, 341, 323, 307, 379, 448, 504 and
506 of the Indian Penal Code lodged on 03.07.2022 by the
informant, Ram Niwas Sharma.

That prosecution story, in brief, is that on 03.07.2022,
one Ram Vinay Sharma, was carrying sand on his tractor from
his land. Informant put objection on the same on which Ram
Vinay Sharma taking rod in his hand started abusing him and
called other persons. On his call, when informant saw people
approaching him, he ran towards his house.

Thereafter, all entered into his house and started
abusing him. It has been further alleged that the petitioner beat



his wife by rifle consequently, she fell down and Kunal Kumar snatched the golden ring from her. It has been further alleged that Vikash Kumar dragged him outside the house by putting ,*Gamchha*' on his neck and Manish Kumar @ Chhuhera and Ramesh Kumar both started beating by the '*butt*' of rifle which injured the right leg and back. It is further alleged that the petitioner with intention to kill him made assault by rod on his head. Seeing that blood was oozing from the head of informant, all ran away. Accordingly, the FIR.

The allegation against the petitioner is of assaulting the wife of the informant as also the informant.

Learned counsel for the petitioner submits that they are co-villagers and for trivial issues, there was a fight in which unfortunately, the other sides sustained injuries which however, have been found to be simple in nature as would show from Annexure-2 i.e. the report of the Primary Health Centre, Belaganj, Gaya.

It is his further submission that without accepting the allegation and/or the outcome of the present case, he being a co-villager would like to contribute towards treatment to the informant of Rs. 15,000/- It is further submitted that if released on bail, he would like to lead a peaceful life having been already



suffered a lot due to number of criminal cases lodged against him.

Learned counsel for the informant opposes the prayer stating that though the injury has been found to be simple in nature, the petitioner terrorizes the villager by keeping rifle every time he steps out of the house.

So far as the allegation of threatening with rifle is concerned, it is for the District Administration to check whether in the garb of self- defence, the petitioner terrorizes the society or not and act accordingly if any such petition is presented before it. However, in the present case, the injury has been found to be simple in nature, he has already remained in jail since 18.08.2022 and is ready to abide by all the terms and conditions, this Court is inclined to extend him privilege of bail subject to payment of Rs. 15,000/- as stated above with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Gaya in connection with Main (Pai Bigha) P.S. Case No. 68 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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