

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69833 of 2022

Arising Out of PS. Case No.-269 Year-2020 Thana- PATEPUR District- Vaishali

LAKHAN SHARMA S/O Ramchandra Sharma R/O Ward No- 13, urf
Raghunathpur (Lahladpur), P.S- Patepur, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shravan Kumar, Sr. Adv. Mr. Krishna Kumar Singh, Adv.
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2023 Heard Mr. Shravan Kumar, learned Senior counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

Petitioner seeks bail, who is in custody since
28.01.2022, in connection with Patepur P.S. Case No. 269/2020,
F.I.R. dated 25.12.2020, for the offences punishable under
Sections 341, 323, 379, 307, 302 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along with
other co-accused persons namely Ramesh Sharma and Umesh
Sharma came at the house of informant and starting assaulting him
with danda and rod, as a result of which, his head got bleeding
injury.

Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the



present case. He further submits that in fact the petitioner is brother of the deceased and it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner. In fact the petitioner was not present on the date of occurrence rather he was in Delhi. For that purpose, learned counsel for the petitioner has produced the certificate from the employer of the petitioner, in which, the employer has certified that the petitioner was in Delhi since 10.12.2020 to 19.04.2021. He further submits that it has also come during investigation that the petitioner was not present at the time of occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.01.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Additional District and Sessions Judge-XII, Vaishali at Hajipur, in connection with Patepur P.S. Case No.269/2020, 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 absence on two consecutive dates without sufficient reason, his 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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