

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70551 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- BHAPTIAHI District- Supaul

Rajendra Sharma Son Of Kishundeo Sharma R/O Village- Gardhia, Ward
No.9, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
For the Opposite Party/s	:	Mr. Md. Iftekhar Mahmood, APP
For the Informant	:	Mr. Pramod Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
15.05.2022 in connection with POCSO Case No. 56 of 2022
arising out of Bhaptiyhi P.S. Case No. 51 of 2022, F.I.R. dated
12.05.2022 for the offences punishable under Sections 147,
148, 149, 341, 323, 324, 457 and 302 of the Indian Penal Code.

According to prosecution case, the informant's
daughter saw one person fleeing away from her window and



therefore she shouted and the accused person was caught by the informant. It is further alleged that in the meantime the petitioner and other family members armed with lethal weapons started assaulting the informant other members of the family. It is further alleged that one Nageshwar Sharma assaulted the father-in-law of the informant by means of knife due to which he died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the present F.I.R. is instituted against 14 co-accused persons including the petitioner and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner rather the same is attributed against the co-accused persons, namely, Ravindra Sharma, Nageshwar Sharma and Kishundeo Sharma. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Mukesh Kumar @ Mukesh Kumar Sharma @ Mukesh K. Sharma has been granted bail by a co-ordinate Bench of this Court vide order dated 03.04.2023 passed in Cr. Misc. No. 74827 of 2022. The



petitioner is in custody since 15.05.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 2 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

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 Judge VI cum Special Judge- POCSO Court, Supaul in connection with POCSO Case NO. 56 of 2022 arising out of Bhaptiyahi P.S. Case No. 51 of 2022, 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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