

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74246 of 2022

Arising Out of PS. Case No.-489 Year-2022 Thana- BANKA District- Banka

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SOHIT SHARMA SON OF RAJU SHARMA @ RAJENDRA SHARMA R/O
VILLAGE- SHASHAN, P.S.- BANKA, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 22.08.2022 in connection with Banka P.S. Case No. 489 of 2022 under Sections 393, 398 of Indian Penal Code lodged on 31.07.2022 by the informant Sunil Yadav.

The prosecution case, in brief, as per fardbeyan of the informant, Sunil Yadav is that on 31.07.2022 at about 02.00 P.M. the informant, driver of the truck bearing no. JH09Z0868 loaded with iron was moving from Jasidih to Bhagalpur. After unloading the said truck, he was returning. As the said truck reached near English more, two persons on two motorcycles started chasing the said truck. When the driver of the said truck reached near Samukhiya more, the said persons who were chasing, fired gunshot from country made pistol with intention



of loot. Anyhow, the driver of the truck did not stop and saw Banka police vehicle, he narrated the same before the police officials. Thereafter, one motorcycle with two persons was nabbed by the police and three country made pistols were recovered from them. On being asked their name by the police officials, they disclosed their name as Sohit Sharma and Shubham Sharma.

It has been contended by the learned counsel for the petitioner that on the basis of the information given by the truck driver, the police caught hold of them and implicated in this case and for the recovery of revolver, already the Banka P.S. Case No. 490 of 2022 has been lodged against the petitioner. The further contention is that he has already suffered by being in custody since 22.08.2022 (as stated in para-6 of the petition) and till the lodging of the two cases, he did not had any criminal antecedent.

Learned APP opposes the prayer for bail and submits that the perusal of the FIR shows that driver were made to run and ultimately sought help of the police.

Considering his period of custody, 22.08.2022 as also that for the recovery/seizure of country-made revolver, another case is already there, this Court is inclined to grant him the



privilege of bail 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 learned CJM Banka, in connection with Banka P.S. Case No. 489 of 2022 subject to 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 fortnight for one year to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

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Alok/-

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