

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1408 of 2023

Arising Out of PS. Case No.-106 Year-2021 Thana- JAMOBABAZAR District- Siwan

1. VIKRAMA SHARMA Son of Late Ambika Sharma R/V- Baldihan, P.S- jamo Bazar, Dist- Siwan
2. Khurkhur Sharma Son of Late Ambika Sharma R/V- Barari Jagdish, P.S- Uchkagaon, Dist- Gopalganj
3. Umesh Sharma son of Late Ambika Sharma R/V- Barari Jagdish, P.S- Uchkagaon, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 23.09.2021 in connection with Jamo Bazar P.S. Case No.106/2021, F.I.R. dated 13.07.2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the I.P.C.

According to prosecution case, the allegation against the petitioner is that he assaulted the mother of the informant on her head by means of farsa. Thereafter she was taken to sadar hospital for her medical treatment.



Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties and both the parties are agnates and there is case and counter case between the parties. He further submits that both sides have sustained injury in the present occurrence and the co-accused, namely, Bharat Sharma has been granted bail by the co-ordinate Bench of this Court vide order dated 25.07.2022 passed in Cr. Misc. No. 66551/2021 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 23.09.2021.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIII, Siwan in connection with Jamo Bazar P.S. Case No.106/2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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