

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.953 of 2023

Arising Out of PS. Case No.-718 Year-2021 Thana- KHAGARIA District- Khagaria

HARIOM SHARMA @ HARIOM PRAKASH SHARMA @ HARIOM
MISTRI Son of Late Garib Das Sharma @ Garib Sharma R/V- Ranisakarpura,
P.S- Khagaria (Gangaur) Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

For the informant : Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2023 Heard Mr. Shashank Shekhar, learned counsel for the
petitioner and the learned APP for the State.

The petitioner is in judicial custody in connection with Khagaria (Gangaur) P.S. Case No.718 of 2021 instituted under Section 341,323,307,325,504,506 and 34, 302 of the Indian Penal, lodged on 10.09.2021 by the informant Ashok Keshri.

As per the FIR, the neighbour of the informant was constructing his house on informant's land illegally and when the informant went to his house to protest, then Dinbandhu Sharma on the direction of Hariom Sharma assaulted him with 'khanti' on the informant's head. He received head injuries. Other accused persons also armed with lathi, danda and rod and



assaulted him. Later he was taken to Sadar Hospital where he succumbed to injuries.

Learned counsel for the petitioner submits that allegation is against Dinbandhu Sharma, of giving 'Khanti' blow to the informant. So far as his role is concerned, learned counsel for the petitioner submits it has been alleged that he was the order giver. The last submission is that he has remained in jail since 02.09.2022 (as stated in para-9 of the petition).

Learned APP opposes the prayer stating that the petitioner was constructing the house for which the alleged occurrence took place.

Considering the fact that main allegation is against Dinbandhu Sharma who is presently in jail, this petitioner is an order giver, he do not have criminal antecedent and as stated above is in jail since 02.09.2022, this Court is inclined to grant him bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Khagaria (Gangaur) P.S. Case No.718 of 2021 to the satisfaction of learned Additional District Judge, Vth, Khagaria, 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/her 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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