

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5431 of 2024

Arising Out of PS. Case No.-516 Year-2023 Thana- KATIHAR NAGAR District- Katihar

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Amit Kumar Sharma @ Laloo Sharma @ Amit Sharma S/o Binod Sharma
R/o Village-Bhagwabari, P.S.-Town, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nagar P.S. Case No. 516 of 2023, lodged on 10.07.2023 under
Sections 399, 402, 413, 414 of the Indian Penal Code read with
section 25(1-b)a/26/35 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against six named accused persons including the present
petitioner. The allegation against the present petitioner is that he
used to provide the motorcycle which was subject to theft for
commission of the crime.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that neither any arms nor cartridges have been
recovered from his possession. Counsel further submits that the
name of the petitioner has come only because he used to provide



the vehicle to the criminals which was subject to theft.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is not clean and there are seven criminal cases pending against him in which, in five cases he is on bail and in rest case, he is persuading for bail. The petitioner is in custody since 11.08.2023 in the present case. Counsel also submits that the charge-sheet has already been submitted in this case.

6. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that in the paragraph no.6 of the impugned order, it has been observed by the Additional District and Sessions Judge-V that in paragraph no.58 & 86 of the case diary, there are 16 criminal antecedents of the petitioner. In response, counsel for the petitioner submits that this entry has come inadvertently and there are only 7 cases pending against the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Nagar P.S. Case No. 516 of 2023.



8. However, the petitioner shall be granted bail only after Trial Court on being satisfied with the affidavit to be submitted by the petitioner before the Trial Court indicating therein that he is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Katihar Muffasil P.S. Case No. 143 of 2014.

(II)- Deoghar P.S. Case No. 305 of 2016.

(III)- Raiganj P.S. Case No. 399 of 2017.

(IV)- Kotwali P.S. Case No. 425 of 2022.

(V)- Dagarua P.S. Case No. 245 of 2015.

(VI)- K.Hat P.S. Case No. 847 of 2023.

(VII)- Godda P.S. Case No. 158 of 2023.

9. It is also made clear that the Trial Court shall verify upon going through paragraph no.58 & 86 of the case diary. If, it has been found that there are 16 criminal antecedents of the petitioner, then the petitioner shall not be released on bail, but if, it is found that there are only 7 criminal cases pending against the petitioner, then in that case, the petitioner shall be released on bail immediately.

(Dr. Anshuman, J.)

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