

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18972 of 2024

Arising Out of PS. Case No.-118 Year-2022 Thana- BANMANKHI District- Purnia

Ganesh Sharma S/o Sri Parmeshri Sharma R/o vill - Makhnaha, P.s. -
Banmankhi, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Amit Kumar Anand, learned counsel for
the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Banmankhi P.S. Case No. 118 of 2022, F.I.R. dated 15.04.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 354, 452, 307, 302 and 325 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons assaulted the informant and his family members with iron rod, lathi and fatta. It is further alleged that accused Binod Sharma pushed Dhobi Sharma and Sitaram Sharma assaulted with lathi on his chest due to which Dhobi Sharma fell down on the ground and died on the same day.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation against Binod Sharma, Sitaram Sharma and other co-accused person and at best the petitioner may be the member of the mob.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 118 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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