

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27953 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- PARASI District- Jehanabad

Akash Sharma @ Navin @ Navin Sharma Son of Late Shiv Mohan Sharma
Resident of Village- And Post- Kamta, Ps- Parasi, Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Prakash, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Parasi P.S. Case No. 85 of 2023 instituted for the offences
under Sections 323, 504, 506 and 341 of the Indian Penal Code.

3. The allegation against the petitioner is of setting
fire to the residential hut of the Informant.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as
alleged against him and has falsely been implicated in the
present case due to previous enmity and local village politics.
There is an inordinate delay of more than 20 hours in lodging
the F.I.R. without giving any plausible explanation for the same



which falsifies the prosecution case. There is no eye-witness to the alleged occurrence. The petitioner is the nephew of the Informant. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 16.10.2023 and the charge-sheet after investigation has been submitted in this case. The petitioner has also filed supplementary affidavit stating therein in Para-3 that the Informant was examined on 16.10.2023 by the Doctor who has opined as the nature and cause of injury is simple burn injury.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is a direct allegation against the petitioner of setting on fire the hut of the Informant which is serious in nature. During investigation, the Informant and several witnesses in Para Nos. 6, 8 and 9 of the case diary have supported the prosecution case. The injury report also supports the prosecution case and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner



and the nature of injury which is simple, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parasi P.S. Case No. 85 of 2023, subject to following conditions;

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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