

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62189 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SARMERA District- Nalanda

Sharvan Kewat S/O Sita Ram Kewat R/O Village- Gaushnagar, P.S- Sarmera,
District- Nalanda, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.
For the State : Mr. Pawan Kumar Chaurasia, APP
For the Informant : Mr. Birendra Prasad Chaudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Raj Kishor Prasad, learned Advocate for

the petitioner and learned Additional Public Prosecutor for the

State. The informant appears through Mr. Birendra Prasad

Chaudhary, learned Advocate.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Sarmera P.S.
Case No. 24 of 2024, registered for the offences punishable
under Sections 341, 323, 302, 447, 504, 506, 147, 148, 149 of
the Indian Penal Code and 27 of the Arms Act.

3. Allegedly while the informant along with his
brother and cousins were in their house, in the meantime, all the
FIR named accused persons, including the petitioner, and other
unknown persons armed with various weapon came there and



started abusing. When the informant and his cousins protested they were assaulted by all the accused persons. It is further alleged that in the meanwhile when the uncle of the informant came there and protested, on the exhortation made by co-accused Dilip Rout, Shankar Kevat has made indiscriminate firing due to which the uncle of the informant received fatal injury.

4. Learned Advocate for the petitioner referring to the narrations made in the FIR submitted that the specific allegation of firing has been levelled against co-accused Shankar Kevat on the exhortation made by Dilip Rout and so far the petitioner is concerned, at best he can be said to be a member of the mob without there being any specific allegation. It is next contended that the alleged occurrence took place in the evening of 06.02.2024 but the FIR has been instituted on the next day and as such the deliberation cannot be ruled out. It is further contended that now the petitioner has been incarcerated since 07.02.2024. Investigation of the crime is complete and the charge sheet has been submitted.

5. On the other hand, learned APP for the State as well as the informant vehemently opposed the bail application and submitted that apart from two criminal antecedent of the



petitioner, he has actively participated in the crime and all the accused persons have assaulted the informant and his cousins. Learned Advocate for the Informant submits that in this case, case diary would be required which will reveal the participation of the petitioner in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the specific accusation against Shankar Kevat of causing fatal gunshot injury, coupled with the fact that there is no specific allegation of any overt act against the petitioner; moreover after completion of the investigation charge-sheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 24 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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