

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78323 of 2023

Arising Out of PS. Case No.-574 Year-2023 Thana- SUPAUL District- Supaul

GAJENDRA SHARMA Son of Ramji Sharma R/o vill - Navtol Kariho, ward
no. 16, P.S. - Supaul, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 354B, 379, 447, 504, 506 and 34 of the Indian Penal
Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation
against him is of assaulting Manoj Sharma by means of a knife.
It is next submitted that from perusal of the allegation as alleged
in the FIR, it would manifest that the informant alleges that
several accused persons came and assaulted him and his family
members. It is further submitted that there is specific allegation
of assault against other accused persons also, including the



petitioner. It is next submitted that though against the petitioner it is alleged that he assaulted Manoj Sharma by knife, but then there is no injury report of Manoj Sharma on record.

4. It is further submitted that this court by order dated 12-1-2024 had called for the injury report of Manoj Sharma from the court of learned CJM, Supaul, but then the same till date has not been received, though injury report of other injured person was sent, which amply demonstrates that Manoj Sharma was not assaulted by the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Supaul P.S. Case No. 574 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that learned trial court,



before accepting the bail bonds of the petitioner, shall verify whether Manoj Sharma was inflicted with knife injury or not, and in the event if it is found that Manoj Sharma sustained knife injury, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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