

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1829 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- BIKRAM District- Patna

Shankar Sharma Son Of Late Girja Sharma @ Girja Singh R/O Village-
Mohammadpur @ Mahammadpur, P.S.- Bikram, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Ashok Kumar Mishra, learned counsel
for the petitioner and Mr. Nitya Nand Tiwary, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bikram P.S. Case No. 316 of 2023, F.I.R. dated 16.07.2023 for the offences punishable under Sections 323, 341, 354, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, this petitioner came at the door of the informant and started abusing and assaulting the informant and also snatched gold chain from the neck of informant's daughter.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



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 the allegation against the petitioner is that he forcibly snatched the gold chain from the neck of daughter of the informant and also threatened to kill her. He further submits that in fact, the informant is sister-in-law of the petitioner and the present case has been filed by the informant in retaliation of the Complaint Case No. 922(C) of 2023 which was filed by the mother of the petitioner against the informant and other family members. He further submits that date of occurrence as alleged in the F.I.R is 10.07.2023 but the present F.I.R has been instituted on 16.07.2023 i.e. after delay of about 7 days without giving any explanation of the said delay.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate, VI, Danapur, Patna in connection with Bikram P.S. Case No. 316 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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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