

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7996 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- KHIJARSARAI District- Gaya

Nawal Kishore Sharma, Son Of Late Tribhuvan Singh, Resident Of Village-
Mandai, P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-02-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Khizersarai P.S. Case No. 200 of 2023, registered for the
offences punishable under Sections 341, 323, 308, 325, 379, 504
and 34 of the Indian Penal Code.

3. It is alleged that the petitioner alongwith one Vijay
Prasad Sharma @ Vijay Sharma has assaulted the informant's
son by means of iron rod due to which he sustained injuries.
Further allegation has been leveled against all the other accused
persons of assault and snatching money.

4. Learned counsel appearing on behalf of the
petitioner submits that though there is allegation of assault



against the petitioner, but the doctor has found simple injuries upon the injured. He further submits that from the narrations made in the FIR, it is evident that the alleged occurrence took place on 16.05.2023, but the present FIR has been instituted after a delay of 5 days on 21.05.2023 without assigning any reason for delay. All the more, the co-accused person against whom there was similar allegation, he has already been allowed the privilege of anticipatory bail in Criminal Miscellaneous No. 5326 of 2024 alongwith other accused persons, vide order dated 17.02.2024, the copy of which has been placed before this Court. He lastly submits that though the petitioner is accused in three other criminal cases, but two of them are of 2000 and 2008 respectively and so far the third case is concerned, which has been instituted by the daughter of the informant, on the same day when the present FIR has been instituted.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that co-accused person having identical allegation has been allowed the privilege of anticipatory bail and the injury report suggest simple injury, let the petitioner



above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XIII, Gaya in connection with Khizersarai P.S. Case No. 200 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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