

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45401 of 2025

Arising Out of PS. Case No.-393 Year-2024 Thana- UCHKAGAON District- Gopalganj

Uday Prakash Sharma @ Uday Prakash S/o Ramkuwar Sharma Vill- Ujara
Narayanpur, PS- Uchkagaon, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Priya Raj, Adv.
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP
For the informant	:	Mr. Masoom Raja, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-07-2025 Heard Ms. Priya Raj, learned counsel for the
petitioner, the State as also the informant.

2. The petitioner is in custody in connection with Uchkagaon P.S. Case No. 393 of 2024 for the offence punishable under sections 126(2), 115(2), 118, 109, 352, 351(2), 303(2) and 3(5) of BNS.

3. As per the prosecution story, the informant alleged that while he was going to the cattle shed along with his son, the accused surrounded and the allegation is that this petitioner attacked on the head of the informant's son with '*Bhujali*' causing injury on the head, when he went to the rescue, Ramkuwar Sharma hit him with the iron rod causing further injury. Allegation against Lilawati Devi is of taking away gold



chain from the neck of the informant's son. This led to the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case between the parties, though the injury of the informant has been found to be grievous in nature, the injury inflicted by the petitioner has been recorded as simple in nature. These facts stand incorporated in paragraph 5 of the learned Sessions Judge order.

5. Learned counsel for the petitioner further submits that on instruction, an undertaking has been given that henceforth he shall not indulge in any criminal activities failing which the informant's side shall be free to take steps for the cancellation of the bail bond. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned counsel for the informant on the other hand opposes the prayer submitting that a bare perusal of the criminal antecedent would show that this petitioner is in the



habit of assaulting the informant's side repeatedly and once out, he may resort to criminal resort.

7. Taking into account the aforesaid facts as also that there is case and counter case, the injury inflicted by the petitioner has been found to be simple in nature, an undertaking has been given that he shall be diligently appearing in trial and shall not indulge in any further criminal activity, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge II, Gopalganj in connection with Uchkagaon P.S. Case No. 393 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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