

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53298 of 2025

Arising Out of PS. Case No.-596 Year-2024 Thana- KHAGARIA District- Khagaria

Devendra Sharma Son of Late Jagdev Sharma Resident of Vill.- Bhadas
Uttari, P.S.- Gangaur, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Adv. Mr. Santosh Kumar Singh, Adv.
For the Informant	:	Mr. Rahul Jha, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khagaria P.S. Case No. 596 of 2024 registered for the offences
punishable under Sections 126(2), 115(2), 109, 352, 351(2),
303(2), 3(5) of B.N.S.

3. As per prosecution case, on the issue of dues of Rs.
15000/- hot exchange of words took place between the
petitioner and informant. It is alleged that meanwhile, co-
accused Ram Sharma @ Basudev Sharma and Sanjiv Kumar
having armed with iron rod, three nut etc. came there and
assaulted the informant's husband as a result of which he
sustained injury and fell down unconscious. It is further alleged



that co-accused Niraj Kumar and Karan Kumar snatched Rs. 2500/- from the pocket of informant's husband and also snatched gold chain from the neck of informant.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that, though, the dispute arose on account of dues upon petitioner but there is no specific allegation of assault and overt-act against the petitioner. The specific allegation of assault is upon co-accused Ram Sharma @ Basudev Sharma and Sanjiv Kumar. He further submits that petitioner has filed counter case bearing Khagaria P.S. Case No. 595 of 2024 against the husband of informant and others and in the said case, one injured Ram Sharma @ Basudev Sharma from the side of petitioner died during the course of treatment on 30.12.2024. He further submits that there is case and counter case between the parties and hence, free fighting cannot be ignored. Apart from that, petitioner bears no criminal antecedent and is in jail custody since 05.06.2025. He further submits that moreover, co-accused Niraj Kumar @ Dhiraj Kumar and Karan Kumar @ Raj Karan Kumar have already been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr.



Misc. No. 44484 of 2025 and petitioner is languishing in jail custody up till now.

5. Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that petitioner is also present there along with other co-accused persons and injured has sustained two injuries which corroborates the factual aspect of the FIR and hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, there is no specific role assigned against the petitioner so far as assault is concerned, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 596 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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