

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85974 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- NAGAR District- Vaishali

Abhay Kumar Sharma, son of Shiv Narayan Sharma @ Shubh Narayan Sharma, Resident of Village-Mahisaur , P.S Mahisaur (Jandaha) Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 08-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Hajipur Town P.S. Case No. 632 of 2023 dated 14.08.2023 instituted for the offence punishable under Sections 392 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the informant runs a private firm, namely, Lovely Traders (D.S. Group) Firm. On the alleged date of occurrence, he along with his staff, namely, Shambhu Kumar was going to deposit his Firm's collection money i.e. Rs. 15,87,400/- in the S.B.I. Bank by his scooty. In the way, three miscreants on motorcycle came there and made air-firing, and thereafter on the point of pistol, they



looted away the aforesaid amount, Aadhar Card and a cheque Book kept in a bag.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R.. F.I.R. has been lodged against unknown persons. The petitioner has been made accused in this case only on the basis of confessional statement of Dhiraj Kumar. The looted articles were recovered from the house of Dhiraj Kumar. This fact has been mentioned in paragraph no. 114 of the case diary. Learned counsel for the petitioner further submits that in the impugned order, learned lower court has wrongly mentioned the name of the petitioner from whose possession the said articles were recovered. It is further submitted that there is no cogent material against the petitioner except confessional statement. Lastly, it has been submitted that the petitioner is in custody since 03.09.2024 having two criminal cases against him. Charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 632 of 2023, subject to the following conditions:

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. 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.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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