

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42245 of 2014**

Arising Out of PS.Case No. -65 Year- 2014 Thana -RAJNAGAR District- MADHUBANI

1. Mahesh Sharma Son of Uttim Lal Sharma resident of Village Mahana,  
P.S. Raj Nagar, District - Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Umesha Nand Pandit (App)

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

3      18-05-2015      Heard Counsel for the petitioner and learned APP for  
the State.

Petitioner is facing accusations punishable under  
different allied sections of Indian Penal Code including Section  
307 IPC.

Both the parties are gotias. The informant of the  
present case is cousin father-in-law of the Arhul Devi (wife of the  
present petitioner). According to the first information report, the  
informant along with the son was digging the land for construction  
of well which was objected by the accused persons and abused  
them. The petitioner along with his brothers came to the place of  
occurrence and altercation took place. The petitioner handed over  
one farsa to other who assaulted the victim. In the F.I.R., however,  
it is stated that petitioner assaulted on the head.

Counsel for the petitioner has drawn attention of the case lodged by the wife of the petitioner in which it is alleged that the present prosecution party when objected by the informant, undressed her and assaulted. The doctor found injuries on the person of the injured which, however, were simple in nature.

Taking into account the fact that both the parties are gotiyas and there is case and counter case between the parties and also keeping in view the allegation levelled in the F.I.R., I am persuaded to privilege the petitioner with anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Basant Kumar, Judicial Magistrate, 1<sup>st</sup> Class, Madhubani in connection with Raj Nagar P.S. Case No. 65 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(I) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court

below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the bail bond of the petitioner shall be cancelled and thereafter the Trial Court will be at liberty to secure his arrest in accordance with law.

(III) During the subsistency, if the petitioner is found involved in any other case, the same shall be treated as breach of the condition for bail and the Court below shall take steps for the cancelling his bail bonds and secure his arrest in accordance with law.

Pankaj/-

**(Kishore Kumar Mandal, J)**

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