

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37329 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Shyamsundar Sharma, Son of Late Hiralal Sharma
 2. Bachcha Sharma, Son of Late Hiralal Sharma
 3. Subhash Sharma, Son of Late Hiralal Sharma
 4. Jyotilal Sharma, Son of Late Hiralal Sharma
 5. Sanoj Sharma, Son of Late Hiralal Sharma
 6. Anoj Sharma, Son of Late Hiralal Sharma
 7. Ashok Sharma, Son of Late Hiralal Sharma
 8. Mst. Mangla Wati Devi wife of Late Hiralal Sharma

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-09-2015

Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case
registered for the offences punishable under sections 147, 148,
149, 341, 323, 324, 448, 307, 302 and 504 of the Indian Penal
Code.

It is alleged that all the FIR named accused persons
including the petitioners and 5-7 unknown persons came
variously armed at the door of the informant when on the order
of petitioner no.1 (Shyamsundar Sharma), petitioner no.2
(Bachcha Shyarma) assaulted Dhurandhar Sharma by means of



'garasa' when Ramashish Sharma and Rambali Sharma went to rescue then they were also assaulted by the accused persons. It is further alleged that when Dhrup Sharma uncle of the informant went to rescue then he was assaulted by co-accused Umesh Sharma, petitioner no.1 (Shyamsundar Sharma), petitioner no.6 (Anoj sharma), petitioner no.5 (Sanoj Sharma) and they tried to throttle him also. It is also alleged that Most. Mangalawati Devi pulled the testicle of the uncle of the informant namely, Dhrup Sharma, who subsequently succumbed to his injuries.

It is submitted by learned counsel for the petitioners that there is no specific accusation against petitioner nos. 2 to 4, 7 and 8. Since they are agnates hence they all have been roped in the present case.

It is submitted by learned counsel for the informant that the accusation of assault to the informant's uncle Dhrup Sharma is against all the FIR named accused persons.

Considering the nature of accusation, in view of this court, so far as petitioner no.1 Shyamsundar Sharma, petitioner no.2 Bachcha Sharma, petitioner no.3 Subhash Sharma, petitioner no.4 Jyotilal Sharma, petitioner no.7 Ashok Sharma and petitioner no.8 Most. Manglawati Devi are concerned, there

is specific accusation of making assault against them, hence, their prayer for regular bail be considered on merits, if they surrender within a period of six weeks in connection with Kangali P.S. Case No.26 of 2015, pending before the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran.

So far as petitioner nos. 5 and 6 are concerned, they have good case for consideration of the prayer for regular bail, if they surrender within a period of six weeks in connection with Kangali P.S. Case No.26 of 2015, pending before the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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