

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52223 of 2014

Arising Out of PS.Case No. -251 Year- 2013 Thana -KUSHESHWARSTHAN District-
DARBHANGA

- =====
1. Bino Sharma @ Bino Sharam
 2. Umesh Sharma

Both sons of Ram Swaroop Sharma, resident of Village-Pachahara
Buzarg, Police Station-Kusheshwar Asthan, District-Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party : Mr. Ram Shankar Das, SPL.PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 06-01-2015 Heard both sides.

The petitioners, Bino Sharma @ Bino Sharam and Umesh Sharma, apprehend their arrest in Kusheshwar Asthan P.S. Case No.251 of 2013, registered under Sections 379 and 323 and other sections of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant, Phulo Devi, alleged that the petitioners were quarreling with one Abhinav Kumar for charge of battery and the petitioners were abusing him. She further alleged that she intervened to pacify the quarrel, but the accused persons abused her by naming her caste and also assaulted her with fists, slaps and stick.

Learned counsel for the petitioners submits that the

allegation is concocted one. Petitioners had no altercation with the informant. Abhinav Kumar did not lodge the case. The allegation of snatching Rs.5,000/- and assault appears to be false and concocted.

Learned Additional Public Prosecutor, on the other hand, submitted that a lady was assaulted.

It appears that there was quarreling between Abhinav Kumar and the petitioners for payment of charge of battery. The informant intervened. On such, petitioners are alleged to have abused and assaulted her. The allegation is of trifle nature. Considering the facts, the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Biraul at Benipur, District-Darbhangha in connection with Kusheshwar Asthan P.S. Case No.251 of 2013, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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