

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8319 of 2015

Arising Out of PS.Case No. -85 Year- 2014 Thana -VIDYAPATINAGAR District- SAMASTIPUR

1. Suresh Sharma
2. Dinesh Sharma Both sons of sri Anandi Sharma
3. Anandi Sharma Son of Late Parmeshwar Sharma
All are Resident of Village/ Mohalla- Sothgama, P.S- Vidyapati Nagar,
District- Samastipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : M/s A.K. Thakur and Nilesh Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 16-07-2015 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, petitioners are seeking bail in connection with Vidyapatnagar P.S. Case No. 85 of 2014 registered for offences under Sections 341, 323, 325, 427, 307 427/34 of the Indian Penal Code.

Allegation has been made that on 18th April 2014, fard beyan of the informant has been recorded in P.M.C.H., Patna making an allegation that on 17th April 2014 when he went to his field where the maize was planted, he saw that petitioners were plucking his maize and when he has obstructed, accused persons assaulted, caused injury and also threatened him for dire consequences, they slipped away from the place of occurrence when the people of the locality started coming there.

The counsel for the petitioners submits that it is counter blast of earlier case.

Allegation has been made that wife of the petitioner has lodged a case against the Doctor under Sections 376, 506/35 vide Vidyapatinagar P.S. Case No. 148 of 2011 but later on, she in her statement recorded u/s 164 Cr.PC, has stated that she would go with Doctor and later on, the petitioner has filed a divorce case in order to putting a pressure for withdrawal of the divorce case, the present case has been filed.

It has been submitted that even after the repeated request made by the I.O. and the court below, the injury report has not been produced by the prosecution, so much so, this Court has also directed for remission of the injury report which has not been received.

Looking to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners. Accordingly, this petition is rejected giving direction to surrender before the court below within three weeks. On the day of surrender, the court below will take up the application of the petitioners on the basis of material available on record in accordance with law.

(Shivaji Pandey, J)

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