

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29235 of 2014**

Arising Out of PS.Case No. -382 Year- 2013 Thana -TEKARI District- GAYA

- =====
1. Damodar Sharma.
  2. Bimal Sharma.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party : Mr. Ashok Kr.Singh 1(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

3      18-02-2015                      Heard learned counsels for the petitioners,  
informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 307, 323, 341, 379, 384, 504 and 506/34 of the Indian Penal Code.

It is alleged that the co-accused Bhola Sharma (non-petitioner) assaulted with the butt of the pistol on the head of the informant causing bleeding injury thereafter petitioner no. 1 Damodar Sharma took out Rs. 10,000/- from the pocket of the informant. It is also alleged that on the order of co-accused, Bhola Sharma the petitioners caught hold the hands of the informant and Bhola Sharma tied rope around the neck of the informant. Thereafter co-accused persons demanded Rs. 20,000/- as extortion.



It is submitted by learned counsel for the petitioners that accusation of assault or tying rope in the neck of the informant is not against the petitioners whereas the injuries on the neck are abrasion and bruise of marginal size which do not corroborate with the accusation. Moreover, injury on the head has been found. The petitioners are aged persons. A statement has been made in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

Learned counsel for the informant submits that the accusation is serious in nature and accused persons committed offence for withdrawal of earlier case though this is not in dispute that in the earlier case the petitioners were not accused.

Considering the nature of accusation against the petitioners not being corroborated with injury report and statement made in paragraph no. 3 of the petition that the petitioners have no criminal antecedent, let the petitioners, above named, be released on bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Tekari P.S. Case No. 382 of 2013 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Gaya, subject

to the conditions as laid down under Section 438(2)  
of the Code of Criminal Procedure.

U.K./-

**(Dinesh Kumar Singh, J)**

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