

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37721 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -KAKO District- JEHANABAD

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1. Jairam Sharma, Son of Late Raj Nandan Singh
2. Santosh Kumar Akela Son of Jairam Sharma Both resident of Village-
Hajisarai, P.S.- Kako, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-10-2016 Heard Mr. Sharma for the petitioners and the APP for the
State.

The two petitioners herein are father and son. They are
facing prosecution under Sections 341, 323m 307, 379 and 504 of
the Indian Penal Code vide Kako P.S. Case No. 50 of 2016.

It is alleged that the accused persons intruded into the house
and dragged out the informant whereafter it is alleged that the
petitioner no. 2 started pressing the neck of the informant and also
assaulted with butt of pistol. The allegation against the petitioner
no. 1 is that he also assaulted on the shoulder of the informant.

Contention of the petitioners is that the present case is the
counter blast of Annexure-2 which is a case lodged against the

present informant with an allegation that they intruded into the house and assaulted the petitioner no. 2. It is further submitted that the petitioners have no criminal antecedents.

Learned APP for the State points out from the injury report that the doctor found minor fracture of the trachea which is attributed to petitioner no. 2 who played active role.

Considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to petitioner no. 2. Prayer is rejected. Petitioner no. 2 may surrender and seek regular bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner no. 1, namely Jairam Sharma, 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 Sudhir Sinha, A.C.J.M., Jehanabad in Kako P.S. Case No. 50 of 2016 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 in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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