

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41968 of 2016

Arising Out of PS.Case No. -156 Year- 2016 Thana -SIMRI BAKHTIARPUR District- SAHARSA

- =====
1. Sonu Sharma, son of Jogi Sharma.
 2. Jogi Sharma, son of Shakhichandra Sharma.
 3. Maheshwar Sharma, son of Shakhichandra Sharma. All resident of Village-Galfariya, Police Station- Bakhtiyarpur (Balwahat), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-11-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections
341/323/324/307/379/354A/504 of the Indian Penal Code.

For land dispute during occurrence of assault
petitioner Sonu Sharma caused injury at the head of the informant
and petitioner Jogi Sharma caused injury at the head of Indal.
Petitioner Maheshwar Sharma caused injury to Lalan Sharma.

Submission of the petitioner is that offence under
Section 307 of the Indian Penal Code is not made out as there is
no allegation of repetition of blow.

For the purpose of this anticipatory bail, petitioners, namely, Sonu Sharma and Jogi Sharma, are not entitled for the same as they had knowledge that their act may cause death, hence, I am not inclined to grant anticipatory bail to the petitioners, namely, Sonu Sharma and Jogi Sharma.

However, considering the facts and circumstances, let petitioner, namely, Maheshwar Sharma, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/Successor Court in connection with Bakhtiarpur P.S. Case No.156 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Birendra Kumar, J)

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