

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44211 of 2017

Arising Out of PS.Case No. -200 Year- 2016 Thana -KAKO District- JEHANABAD

- =====
1. Birendra Sharma
 2. Dharun Sharma @ Dharmendra Sharma Both Sons of Late Mohan Sharma,
 3. Narayan Sharma, Son of Sri Birendra Sharma @ Upendra Sharma, All R/o Village- Nonhi, P.S.- Kako, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha

For the Opposite Party/s : Mr. Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 21-09-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Kako P.S. Case No. 200 of 2016 for the offences punishable under sections 147, 148, 341, 323, 307, 379, 504 and 337 of the I.P.C.

Allegedly, the petitioners and other co-accused along with 15-20 unknown persons came and surrounded the informant, started abusing and when the informant forbade then Upendra Sharma and petitioner no.1 assaulted with iron rod on his head and also gave blow on his back and then the petitioner no.1 assaulted



with garasa and country made pistol, but the informant was saved and then other co-accused started assaulting by stone and brick and in the meantime the petitioner no.3 took out gold chain and son of Satyendra Sharma took out Rs. 10,000/- from the pocket. Vijoy Yadav and Niraj Kumar who came for rescue were also assaulted.

Submission is of false implication and that from the impugned order it reveals that the I.O. has not found use of firearm true as well as allegation of theft of golden chain has also not found true, the informant has not sustained any fatal injury on his person, there is allegation and counter allegation by both sides, land dispute is admitted one and the injury report of the injured is not available and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. submits that the injury report of the injured was not available before the learned court below.

In the facts and circumstances stated above, the petitioners, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M-IV, Jehanabad in connection



with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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