

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41713 of 2017

Arising Out of PS.Case No. -259 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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1. Bishundeo Sharma son of Late Shyamlal Sharma
 2. Manoj Sharma son of Bishundeo Sharma
 3. Santosh Sharma son of Bishundeo Sharma
 4. Dukhiya Devi wife of Bishundeo Sharma
 5. Sukhiya Devi wife of Bishundeo Sharma
 6. Parwati Devi wife of Santosh Sharma
 7. Sulekha Devi wife of Manoj Sharma

All residents of village - Madhura West Maskan, P.S. - Narpatganj,
District - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the State : Mr. Md. Ashlam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Narpatganj P.S. Case No.259 of 2017 registered under Sections
147, 149, 341, 342, 323, 324, 325, 326, 307, 379 and 504 of the
Indian Penal Code.

It is submitted by the learned counsel for the petitioners
that the instant case has been instituted on account of the fact that
the informant and his family members wanted to grab the land of
the petitioners and when it was objected they became angry and
assaulted the petitioners for which the petitioner Dukhiya Devi



lodged Narpatganj P.S. Case No.260 of 2017 against the informant and his family members. He has submitted that earlier petitioner no.1 had filed Title Suit No.188 of 2016 for partition of his share in the joint family property. The informant of the instant case is defendant no.12 in the said partition suit and the land referred to in the FIR is also suit land in the suit. He has further contended that so far as petitioner Bishundeo Sharma is concerned, he is said to be an order giver and so far as the petitioners Dukhiya Devi, Sukhiya Devi and Parwati Devi are concerned, there is no specific allegation of assault against them. He contended that though the petitioner Sulekha Devi is said to have assaulted the informant with Dabia on his abdomen, but no corresponding injury was found by the doctor, who examined the injured informant.

On the other hand, learned counsel for the State has submitted that the petitioners Manoj Sharma and Santosh Sharma are alleged to have assaulted the informant with *Farsa* and sword respectively and there is corresponding injury on the person of the informant. He has submitted that there is omnibus and general allegation against other accused persons named in the FIR.

I have heard learned counsel for the parties and perused the record.

Considering the submissions made above, petitioners,



namely, Bishundeo Sharma, Dukhiya Devi, Sukhiya Devi, Parwati Devi and Sulekha Devi are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No.259 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks.

So far as petitioners Manoj Sharma and Santosh Sharma are concerned, they are alleged to have assaulted the informant with Farsa and sword respectively and corresponding injury is also said to have been found on the person of the informant, I am not inclined to grant them pre-arrest bail.

Accordingly, the prayer for grant of pre-arrest bail to the petitioners Manoj Sharama and Santosh Sharma is rejected.

In case, they surrender and seek bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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