

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36876 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. MITHILESH SHARMA @ MITHILESH KUMAR SHARMA
2. Akhilesh Kumar Sharma,
3. Mukesh Kumar Sharma @ Munna @ Bechan Sharma All above Sons of
Rameshwar Sharma Resident of Village- Mirja Nagar, Police Station-
Mahua, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Mahua P.S. Case No. 35
of 2017 instituted for the offence under Sections-353, 506 of the Indian
Penal Code.

It is alleged that there is allegation in the written report that
the informant was assaulted by Dabiya, sword etc. The petitioner No. 2
Akhilesh Kumar Sharma assaulted the informant with Farsa. The injury
found on the person of injured is lacerated wound of 3"x1/4" deep on
the occipital region and opinion with regard to the aforesaid injury was
kept reserved.

It has been submitted on behalf of the petitioners that for
the same occurrence, counter case has also been filed vide Mahua P.S.
Case No. 36 of 2017, in which, there is allegation that the informant



and others assaulted the petitioner No. 3 brutally with iron rod and the petitioner no. 3 sustained injury on the head.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Mahua P.S. Case No. 35 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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