

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37863 of 2017

Arising Out of PS.Case No. -239 Year- 2017 Thana -GOGRI District- KHAGARIA

- =====
1. Sanjay Sharma @ Sanjay Kumar Sharma son of Surya Narayan Sharma
 2. Ajay Sharma son of Surya Narayan Sharma
 3. Bindu Sharma wife of Sanjay Sharma @ Sanjay Kumar Sharma
 4. Sima Sharma @ Sima Devi wife of Ajay Sharma
- All resident of village-Usari, Ward No. 10, PS-Gogri, District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Sri Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Gogri P.S. Case No. 239 of 2017 registered for the offence(s) punishable under section(s) 341, 323, 307, 379, 506, 337/34 of the Indian Penal Code.

The informant has alleged that on 21.05.2017 at about 11:00 A.M. while the informant was returning to his house after casting vote, the accused person suddenly attacked upon him. Petitioner No. 1-Sanjay Sharma assaulted the informant on his head by lathi and other co-accused also assaulted him by brick and stone.

Learned counsel for the petitioner submits that on the



day of occurrence, some scuffle took place between the parties for which, petitioner no. 3 also lodged a case, vide Gogri P.S. Case No. 240 of 2017. He further submits that injuries alleged in this case, are simple and no offence under section 307 of the Indian Penal Code is made out against these petitioners.

Learned Additional Public Prosecutor on the other hand opposed the submission by submitting that there is specific allegation of assault by petitioner no. 1 on the head of the informant.

On perusal of the FIR and Annexures, I find that petitioner no. 1 gave lathi blow on the head of the informant and the injury report shows that the informant sustained injury on his head.

Considering the specific allegation of assault on the head of the informant, I am not inclined to grant privilege of anticipatory bail to petitioner no. 1 so, his prayer for anticipatory bail is rejected, however petitioner no. 1 may surrender before the Court below and make prayer for regular bail, which will be considered by the Court below without being prejudiced by the order of this Court if possible on the same day.

So far prayer of anticipatory bail with respect to petitioner nos. 2 to 4 is concerned, allegation against them is that



they assaulted the informant by brick and stone which appears omnibus in nature. Petitioner no. 3 is wife of petitioner no. 1 and she had contested an election for the post of Ward Councillor of Gogri Nagar Panchayat, Gogri, Ward No. 10.

Considering the omnibus allegation against petitioner nos. 2 to 4, namely, Ajay Sharma, Bindu Sharma and Sima Sharma @ Sima Devi, in the event of arrest or surrender before the Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, learned Judicial Magistrate 1st Class, Khagaria in connection with Gogri P.S. Case No. 239 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

Accordingly, this application is disposed of.

(Sanjay Kumar, J)

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