

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1946 of 2018

Arising Out of PS. Case No.-135 Year-2017 Thana- RAJAUN District- Banka

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1. Bhushan Sharma, S/o- Naurangi Sharma,
 2. Ramdhani Sharma, S/o -Sitabi Sharma Both Resident of Village-
Marni, Police Station-Rajoun, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. SRI NITYANAND TIWARY

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 325, 308, 379, 427, 448, 504 and 506 of the IPC.

The prosecution case, as per the written report of Bangatu Sharma dated 20.04.2017 submitted to the Station House Officer, Rajoun Police Station is to the effect that on 20.04.2017 at about 11.30 AM, the informant was sitting at his door, in the meantime, seven accused persons including the petitioners came and assaulted the informant and his mother, committed theft of Rs. 10,000/- and also damaged the house hold articles. It is specifically alleged that petitioner no.1, Bhushan Sharma assaulted the informant on his head causing bleeding injury



when petitioner no.2, Ramdhani Sharma assaulted the informant's mother causing fracture injury on her hand.

It is submitted by learned counsel for the petitioners that the petitioners are the neighbour of the informant and the accusation has been levelled over a petty dispute. A statement has been in paragraph no.3 of the petition that though, the petitioners are accused in few cases, but they are on bail in those cases.

Learned APP submits that the accusation is specific against the petitioners.

Considering the fact that the injury caused to the informant by petitioner no.1 has been found simple superficial in nature, let the above named petitioner no.1 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 135 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

So far as petitioner no.2 is concerned, since the learned counsel for the petitioners has not denied the fact that petitioner



no.2 caused fracture injury to the mother of the informant, this Court is not inclined to grant privilege of anticipatory bail to petitioner no.2.

Accordingly, the prayer for anticipatory bail of petitioner no.2 is rejected.

Let the learned court below consider the prayer for regular bail of the petitioner no.2 without being prejudiced by the order of this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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