

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69164 of 2018

Arising Out of PS. Case No.-120 Year-2018 Thana- FATEHPUR District- Gaya

Naresh Sharma, son of Andhu Sharma, resident of Village- Kewal Gurpa,
Police Station- Fathepur, District Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kumar Dhirendra Pratap Singh, Advocate.
For the Opposite Party : Smt. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 307 and 379/34
of the IPC.

The prosecution story, in brief, is that on 01.05.2018,
the informant came back home on a *Tractor* from Village-
Dumri after purchasing *Kutti* of *Newari* and since it had become
dark he could not get the *Kutti* offloaded from the *Tractor*. His
labours asked him to drop them home, so he went to drop them
on his Motorcycle. The labours requested him to pay them some
money. So he sat near the house of *Bangali Manjhi* and was
paying them money. In the meantime, co-accused Mukesh
Sharma @ Chatchat came from behind and started assaulting



him on his head with *Lathi*. The informant received injury and he became unconscious. Naresh Sharma (petitioner) and co-accused Punit Sharma reached on the spot and assaulted him with fists, slaps and *danda*. This petitioner snatched Rs. 4,000/- from the informant. The local people arrived then petitioner and others ran away from the spot.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Specific allegation is against co-accused Mukesh Sharma for assaulting upon the victim. As far as petitioner is concerned, general and omnibus allegation has been made against him. Injury report does not indicate whether nature of injury is simple or grievous. Hence, it cannot be ascertained that offence under Section 307 of the IPC is made out. Except for offence under Section 307 of the IPC, rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-X, Gaya, in connection with Fatehpur P.S. Case No. 120 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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