

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63145 of 2017

Arising Out of PS.Case No. -374 Year- 2015 Thana -SAHARSA District- SAHARSA

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1. Rajesh Sharma @ Rajesh Kumar Sharma son of Ramchandra Sharma
2. Umesh Sharma son of Ramchandra Sharma
3. Ramchandra Sharma S/o Bindeshwari Sharma
4. Chandeshwari Sharma @ Chandeshwar Sharma S/o Bindeshwari Sharma
Resident of Village Baij Nathpatti Tola, Baluaha, P.S. and Distt. Saharasa
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha
For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 01-02-2018 Heard the learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

In this application, the petitioners apprehend their arrest for the offences in connection with Saharsa Sadar P.S. Case No. 374 of 2015 punishable under Sections 341, 323, 324, 354, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, petitioner no. 4 was digging ditch on the passage and when the informant, an advocate forbade him, he called other accused persons including the petitioner nos. 1, 2 and 3 who came there, armed with *Farsa*, *Spear* and threenut. On the order of Bindeshwari Sharma to kill the informant, petitioner no. 4 and 1 opened fire, which did not hit him and after hearing the



sound of firing, Gopal Kumar, Krishna Kumar and aunt Meena Devi came for rescue, then petitioner no. 2 shot arrow which hit right leg of Gopal Kumar and Manish Sharma and petitioner no. 1 assaulted Krishna Kumar with rod on his hand and left leg. The petitioner no. 4 pulled sari and blouse of the aunt of the informant, resulting she became nude.

Submission is of false implication and that there is case and counter case. The petitioner no. 1 has lodged Saharsa Sadar P.S. Case No. 373 of 2015 and, thereafter, this case has been lodged. No fire arm injury has been caused to any one and the police after investigation has not submitted charge-sheet under Section 27 of the Arms Act and, as such, the petitioners deserve sympathetic consideration.

Learned APP duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that petitioners have taken law in their hands and tried to kill the informant who is a practicing advocate.

Considering the facts and circumstances as stated above and finding a case and counter case and further no fire arm injury has been caused to the informant, the petitioners, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order shall be enlarged on bail



on execution of 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, Saharsa in connection with Saharsa Sadar P.S. Case No. 374 of 2015 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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