

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52121 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- RANIGANJ District- Araria

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1. Bikash Sharma, Son of Sadanand Sharma,
 2. Om Prakash Sharma, Son of Sadanand Sharma,
 3. Shyam Prakash Sharma, Son of Sadanand Sharma,
 4. Sadanand Sharma, Son of Turai Sharma,
 5. Shankar Sharma, Son of Yoganand Sharma,
 6. Bucho Sharma, Son of Yoganand Sharma,
 7. Kalabati Devi @ Ashu Devi, Wife of Kanhaiya Sharma,
 8. Rubi Devi, Wife of Bikash Sharma,
 9. Sunil Sharma, Son of Sakru Sharma,
 10. Sandeep Sharma, Son of Sakru Sharma,
 11. Gulab Sharma, Son of Patabari Sharma,
 12. Hulai Sharma, Son of Patabari Sharma,
 13. Sanoj Sharma @ Sanjay Sharma, Son of Kalanand Sharma,
 14. Sunil Sharma, Son of Bhim Lal Sharma @ Kalanand Sharma,
 15. Kalanand Sharma, Son of Natho Sharma, All are resident of Village- Baijnathpur, Ward No.1, P.S.- Rafiganj, Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh
For the State	:	Mr. Sri Umesh Lal Verma
For the Informant	:	Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-09-2018 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Raniganj P.S. Case No. 138 of 2018, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379 and 504 of the Indian Penal Code.

Though the allegation is there of commission of offence under Section 307 of the Indian Penal Code, learned



counsel appearing on behalf of these 15 petitioners, has contended that there is no allegation of assault against these petitioners except petitioner nos. 1, 3 and 14. He contends that as per the case of the prosecution, petitioner nos. 1, 3 and 14 are said to have assaulted the informant with *lathi* in his leg. He accordingly contends that no offence under Section 307 of the Indian Penal Code can be said to be made out even against petitioner nos. 1, 3 and 14.

Considering the submission that there is no allegation against these petitioners except petitioner nos. 1, 3 and 14, there is no reason why the said petitioners should not be granted anticipatory bail. So far as petitioner nos. 1, 3 and 14 are concerned, evidently it is alleged against them that they assaulted the informant with *lathi* in his leg.

Considering the nature of accusation, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Sub Divisional Judicial Magistrate, Araria, in Raniganj P.S. Case No. 138 of 2018, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before Police/Court, as the case may be, as and when required and in the event of failure on thier part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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