

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45314 of 2018

Arising Out of PS. Case No.-273 Year-2017 Thana- CHAUSA District- Madhepura

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1. Milan Sharma, S/o Manoj Sharma,
 2. Pappu Sharma, S/o Brahmdeo Sharma,
 3. Mudo Sharma, S/o Manoj Sharma, All are Residents Vill.- Morsanda, P.S.- Chousa (Fulout O.P.), District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Alok Kumar Singh, Advocate.
For the Opposite Party : Smt. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 27-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 307, 354(A), 448, 380, 504, 506/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 28.09.2017 at about 8.00 A.M. in the morning, petitioners and three co-accused persons being organized started constructing a hut on the home-stead land of informant and when informant protested then co-accused Aman Sharma alias Vivek fired shot by fire arms and all accused persons assaulted with *Iron rod* on the head of the informant, which caused fracture of his head, and when the wife of informant, namely, Reena Devi came to save



the informant then all accused persons dragged her, got her naked, assaulted to her, abused her by taking her caste name and addressed her as *Daain*. It is further alleged that all accused persons caught hold the wife of the informant and the petitioner no. 1 Milan Sharma snatched gold ear-rings worth Rs. 10,000/- from the wife of informant. It is further alleged that accused persons entered into the house of the informant and looted cash of Rs. 20,000/- and threatened to kill if case would be lodged by the informant against accused persons.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. From perusal of order of learned Sessions Judge, Madhepura, it is evident that the nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. The present case has been instituted against the petitioners and others for oblique reason.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Uda-kishunganj, Madhepura, in connection with Chousa (Fulout O.P.) P.S. Case No. 273 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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