

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61858 of 2018

Arising Out of PS. Case No.-213 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

1. Pappu Sharma

2. Arbind Sharma @ Arvind Sharma

Both are sons of Lalu Sharma, Resident of Village-Pakari, P.S. -Kuchaikit,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Smt. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-10-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 307, 323,324, 341,
354, 448, 504, 506/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Rajpati Devi, recorded by A.S.I. Ajay Kumar, Kutchaikot Police
Station, on 09.07.2018 at 14.15 P.M., to the effect that on
09.07.2018 at 11.00 A.M., the informant was sitting at her door
and was talking with his son, in the meantime, her agnate, seven



in number, including the petitioners, came armed with lathi, danda and farsa and attacked the informant side. It is alleged that petitioner no.1, Pappu Sharma inflicted farsa blow over the head of the informant causing cut injury to her. Petitioner no.2, inflicted farsa blow on the son of the informant causing cut injury on his head. Thereafter, the accused persons entered into the house and attacked on them with intention to kill them. The accused persons scattered the household articles of her house. It is further alleged that co-accused, Lallan Sharma and Vishal Sharam tore her clothes and stripped her off and thereafter, Lalu Sharma and Dhiraj Sharma started dragging the informant by catching hold of her hair and started pressing her neck by their leg, whereas, co-accused Manju Devi snatched her gold chain. On alarm being raised, when the villagers came, the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. The only one lacerated wound has been found on the overhead of the informant caused by hard and blunt substance, whereas, the son of the informant received one lacerated wound on the left parietal region of the head and one swelling on right parietal region of the head caused by hard and blunt substance. All the



injuries has been found simple in nature. Hence, the accusation is not corroborated by medical opinion since the accusation of assault is alleged by farsa. So far as accusation of outraging the modesty of the informant is concerned, it is not levelled against the petitioner. There is counter version of the occurrence, being Kuchaikot P.S. Case No.215 of 2018, lodged by the petitioners' side against the informant's side levelling accusation under Sections 308, 323, 324, 341, 504,506/34 of the Indian Penal Code. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the fact that the accusation is not being corroborated by the medical opinion and there being counter version of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 7th ACJM, Gopalganj, in connection with Kuchaikot P.S. Case No.213 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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