

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18376 of 2019

Arising Out of PS. Case No.-220 Year-2018 Thana- MADHAURAH District- Saran

1. Raj Kumar Sharma, Son of Late Dhupa Sharma, R/o village- Siswa Rasulpur, P.S.- Marhowrah, District- Saran at Chapra
2. Rabindra Sharma @ Ravindra Sharma Son of Late Dhupa Sharma, R/o village- Siswa Rasulpur, P.S.- Marhowrah, District- Saran at Chapra
3. Nityanand Sharma, Son of Rabindra Sharma @ Ravindra Sharma, R/o village- Siswa Rasulpur, P.S.- Marhowrah, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 28.01.2019 in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 379 and 506 of the Indian Penal Code.

The prosecution case, as per the fardbeyan of Sidhnath Singh recorded by A.S.I. Sitalal Pd. Gupta on 21.05.2018 at 12.00 P.M., at Referral Hospital, Marhowrah, is to the effect that on the same day at 9.00 A.M., the informant was sitting on his Shaw Mill, in the meantime, all the



accused persons including the petitioners came variously armed. It is alleged that petitioner no. 2, Rabindra Sharma caught hold of the informant and petitioner no. 3, Nityna Nand Sharma assaulted on the head of the informant with Farsa and petitioner no. 1, Raj Kumar Sharma assaulted on the back and chin of the informant with dagger. On alarm being raised, the nephew of the informant, Ranjan Kumar, Ranjit Kumar and Deo Shankar Sharma came to rescue then, they were also assaulted. It is alleged that Ranjit Kumar was assaulted by co-accused Nand Kishore Ram with Farsa on his head and leg causing fracture injury and co-accused Dayanand Sharma snatched a gold chain from the nephew of the informant and co-accused Manoj Sharma snatched Rs.40,000/- from the pocket of the nephew of the informant, Ranjan Kumar.

It is submitted by learned counsel for the petitioners that the specific accusation of assault is only against petitioner no. 1 and 3 and only accusation against petitioner no. 2 is of catching hold of the informant. Though, three persons from the informant's side have received grievous injury but there is a counter version of the occurrence being, Marhowrah P.S. Case No. 221 of 2018 registered for the offences punishable



under Sections 147, 148, 149, 323, 324, 325, 307, 506 of the Indian Penal Code and Section 27 of the Arms Act and subsequently, Section 302 of the IPC was also added. It is further submitted that the petitioners' side have received injuries and one person Nand Kishore Sharma has died subsequently in the alleged occurrence. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that petitioner nos. 1 and 3 caused grievous injury. However, learned counsel for the informant admits that three persons of petitioners' side have also received injuries and one person died but the accusation suggests that the assault was made on back portion of the deceased.

Considering the fact that in the occurrence petitioners' side have also received injuries, one person from the petitioner's side died and investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner 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 learned Chief Judicial



Magistrate, Saran at Chapra in connection with Marhowrah P.S.
Case No. 220 of 2018.

(Dinesh Kumar Singh, J)

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