

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26145 of 2019**

Arising Out of PS. Case No.-398 Year-2018 Thana- SAHEBPUR KAMAL District-  
Begusarai

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1. RAM NARAYAN SHARMA Son of Late Radhe Sharma, Resident of Village- Chauki, P.S.- Sahebpur, District- Begusarai.
  2. Sarobar Kumar Sharma @ Sarobar Kumar Son of - Ram Narayan Sharma Resident of Village- Chauki, P.S.- Sahebpur, District- Begusarai.
  3. Samir Kumar @ Sumer Kumar, Son of Ram Narayan Sharma, Resident of Village- Chauki, P.S.- Sahebpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

**ORAL ORDER**

5      25-07-2019                      Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with S. Kamal P.S. Case no. 398 of 2018, registered under Sections 447, 323, 307, 504 and 506/34 of the Indian Penal Code.

Over row of damaging ridge and encroachment of the land of the informant, when the father of the informant rushed there and made protest, all the three petitioners



assaulted him by means of blunt portion of the Kudal on his head and chest and made him seriously injured.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in the case due to land dispute. Both the parties happen to be agnate. A proceeding under Section 107 Cr.P.C. is pending between the parties. Informant does not happen to be eye witness of the occurrence. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

On the other hand, learned APP for the State opposing the bail petition submitted that victim in her statement and witnesses in Para-8, 9, 20 and 21 of the case diary have stated that the petitioner Sarobar Kumar Sharma assaulted on the head of the father of the informant by means of kudal and witnesses in Para-20 and 21 of the case diary have further stated that rest two petitioners arrived there later on. Victim has sustained grievous injury on his head. Hence the petitioner Sarobar Kumar Sharma does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner Sarobar



Kumar Sharma on bail. Prayer for bail of the petitioner Sarobar Kumar Sharma is rejected.

However, petitioner Sarobar Kumar Sharma is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the petitioner Sarobar Kumar Sharma in accordance with law without being prejudiced by this order.

So far as petitioner nos. 1 and 3 are concerned, they are directed to be enlarged on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 A.C.J.M.-V cum Sub-Judge-III, Begusarai in connection with S. Kamal P.S. Case No. 398 of 2018, G.R. No. 5147 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this petition is disposed of.

**(Prakash Chandra Jaiswal, J)**

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