

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39671 of 2019**

Arising Out of PS. Case No.-983 Year-2016 Thana- SAHARSA District-
Saharsa

- =====
1. PAWAN SHARMA @ PAWAN KUMAR SHARMA @ PAWAN KUMAR Son of Baleshwar Sharma Resident of Village - Patuaha, Ward No. 7 (Bherrdhari), P.S. and District - Saharsa.
 2. Lalan Sharma @ Lalan Kumar Sharma @ Lalan Kumar Son of Baleshwar Sharma Resident of Village - Patuaha, Ward No. 7 (Bherrdhari), P.S. and District - Saharsa.
 3. Subhash Sharma Son of Mahendra Sharma Resident of Village - Patuaha, Ward No. 7 (Bherrdhari), P.S. and District - Saharsa.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 22-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 323, 307, 504 of the Indian Penal Code registered in connection with Sadar Saharsa P.S. Case No. 983 of 2016.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of a past dispute. In any event the accusations of assault against the petitioners are general and omnibus and no specific injury has been attributed to them. The thrust of accusation of assault on the head and hand is on co-accused Dhirendra Yadav and Bhupendra Yadav. Injuries are simple in nature except injury no. 3 which is not on the vital part of the body. The petitioners claim clean antecedents.



4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Saharsa in connection with Sadar Saharsa P.S. Case No. 983 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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