

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2444 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- NARHATT District- Nawada

1. JITU SHARMA Son of Harihar Sharma Resident of Village- Dargahibigha, P.S.- Narhat, District- Nawada.
2. Gaurav Sharma Son of Harihar Sharma Resident of Village- Dargahibigha, P.S.- Narhat, District- Nawada.
3. Niraj Sharma Son of Harihar Sharma Resident of Village- Dargahibigha, P.S.- Narhat, District- Nawada.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gopal Bohra
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 23-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 03.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Nawada in Narhat P.S. Case No. 81 of 2019 registered under Sections 341, 323, 324, 325, 379, 504 and 506/34 of the Indian Penal Code, Sections 37(b)(c) of the Excise Act, Section 3(d)(r)(w) of the SC/ST Act and Section 27 of the Arms Act.

Co-accused Ashok Sharma descending at the house of



the informant resorted firing and when the informant stepped out of the house on the said firing sound, appellant Jitu Sharma assaulted on his leg by means of iron rod. When Rita Devi rushed in his rescue, appellant Gaurav Sharma assaulted on her head by means of rod and when Dularchand Chaudhary and Binod Choudhary rushed in her rescue, Niraj Sharma assaulted on their hand by means of rod.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. As a matter of fact, co-accused Ashok Sharma has lodged Narhat P.S. Case No. 80 of 2019 against the informant and others preceding to the case under hand and in order to save skin from the said case informant has lodged this false and frivolous case against the appellants. Injuries sustained by the victims are simple in nature barring that of informant. Opinion regarding the injury of the informant has been kept reserved but no supplementary injury report has been brought on record despite passing away of five months. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, let the above named appellants, be released 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 1st Addl. Sessions Judge cum Special Judge, Nawada in connection with Narhat P.S. Case No. 81 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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