

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38731 of 2019

Arising Out of PS. Case No.-74 Year-2018 Thana- BHARGAMA District- Araria

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1. ASHOK SHARMA Son of Tithar Sharma @ Thithar Sharma Resident of Village - Adi Rampur, P.S. - Bhargama, Dist.- Araria
 2. Sushil Sharma Son of Late Rajendra Sharma Resident of Village - Adi Rampur, P.S. - Bhargama, Dist.- Araria
 3. Shiv Chandra Sharma Son of Rasik Sharma Resident of Village - Adi Rampur, P.S. - Bhargama, Dist.- Araria
 4. Dallo Sharma @ Dilip Sharma Son of Mathur Sharma Resident of Village - Adi Rampur, P.S. - Bhargama, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 27-06-2019 A supplementary affidavit has been filed on behalf of the petitioners, which is taken on record.

Heard.

This application for anticipatory bail arises out of Bhargama P.S. Case No. 74 of 2018, disclosing offences under Sections 341, 323, 354(B), 379 and 504/34 of the Indian Penal Code.

It is evident from the FIR that petitioner no.1 is the tenant in the house of the informant. It is also evident that there was dispute between the landlord and the tenant over



payment/non-payment of the monthly rental. It is alleged in the FIR that when the petitioner no.1 was vacating the rented shop by removing his articles, a demand for payment of arrears of rent was made by the informant, whereafter the persons, named in the FIR, assaulted the informant and caused injury.

Learned counsel for the petitioners has submitted that the reason for lodging of the FIR is exaggerated version of the occurrence, which is evident from the FIR itself.

In the supplementary affidavit, it has been stated that the petitioner no.1 has vacated the rented shop.

Considering the background in which the occurrence is said to have taken place, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the Sri Kumod Ranjan Judicial Magistrate, 1st Class, Araria in connection with Bhargama P.S. Case No. 74 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case



may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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