

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75112 of 2018

Arising Out of PS. Case No.-117 Year-2018 Thana- PAHARPUR District- East Champaran

1. Sipahi Sharma son of Dahari Sharma
2. Kanhaiya Sharma son of Sipahi Sharma.
Both are residents of Village- Batrauliya, Police Station- Paharpur, District- East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sanjay Kumar No.-7, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 12-03-2019 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, 148, 149, 341, 323, 324, 354, 307, 379, 504 of the Indian Penal Code registered in connection with Paharpur P.S. Case No. 117 of 2018. Subsequently, Section 302 of the IPC has been added.

3. It is submitted that the petitioners have been falsely implicated and in any event there is no allegation whatsoever of any overt act of assault upon the deceased. The accusations against the petitioners are general and omnibus in nature of having entered the house, looted the household articles and molested lady members of the informant's family, however, without making any allegation against the petitioners individually. Similarly situated co-accused, namely, Janak Sharma and Gopal Sharma have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.09.2018 passed in Cr. Misc. No. 57863 of 2018.

4. Learned APP opposes the anticipatory bail petition. It is pointed out from the FIR itself that there was meeting of minds from



the accused persons who came together, assaulted the informant side, looted the household articles and misbehaved the lady members of the informant's family.

5. Be that as it may, and considering that similarly situated co-accused, namely, Janak Sharma and Gopal Sharma have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.09.2018 passed in Cr. Misc. No. 57863 of 2018, 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 117 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

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

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

(iii) 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.

(iv) 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.

BT/-

U		T	
---	--	---	--

(Vikash Jain, J)

