

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44416 of 2019

Arising Out of PS. Case No.-906 Year-2016 Thana- SAHARSA District- Saharsa

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1. PAWAN SHARMA @ PAWAN KUMAR Son of Bala Sharma @ Baleshwar Sharma
 2. Bala Sharma @ Baleshwar Sharma Son of Manilal Sharma
 3. Dukhan Sharma Son of Pirwat Sharma
 4. Dinesh Sharma Son of Parmeshwari Sharma
- All are resident of Village - Bherdhari Patuaha, P.S.-Saharsa, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Saharsa Sadar P.S. Case No. 906 of
2016 registered for offence punishable under sections 147, 148,
149, 341, 307 of the Indian Penal Code and section 27 of the
Arms Act.

The accused persons along with 20 unknown
persons armed with different weapons came, called the
informant from his caste name and exhorted to kill him
whereupon Vidhyanand Sharma and Roshan Yadav fired upon



him from their gun which caused injury on his knee and thereafter he fell on the ground.

The learned counsel for the petitioners submits that the injury report does not support the claim of the informant of causing injury by fire arms, but it is by hard and blunt substance, inasmuch as there is general and omnibus allegation has been made against these petitioners being member of mob.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 906 of 2016, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court. If the petitioners are found involved in



similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of their bail bonds. Whenever the Police will call the petitioners for the purpose of interrogation/investigation, they would present themselves, In case of failure on two consecutive dates without any valid reason, the prosecution will have liberty to make a prayer for cancellation of their bail before the court below.

(Shivaji Pandey, J)

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