

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52131 of 2019

Arising Out of PS. Case No.-589 Year-2018 Thana- AMARPUR District- Banka

-
1. Milan Kumar Sharma @ Milan Sharma, Son of Viveka Sharma, R/o Village- Vishwaspur, P.S.- Amarpur, District- Banka.
 2. Vikash Sharma @ Bikash Kumar Sharma @ Vikash Kumar Sharma. S/o Bishundeo Sharma R/o Village- Vishwaspur, P.S.- Amarpur, District- Banka.
 3. Ajay Sharma, Son of Bishundeo Sharma, R/o Village- Vishwaspur, P.S.- Amarpur, District- Banka.
 4. Viveka Sharma @ Vivekanand Sharma, Son of Bishundeo Sharma, R/o Village- Vishwaspur, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Gupta

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 12-09-2019 Learned counsel for the petitioners submits that petitioner nos.4, namely, Vivek Sharma @ Vivekanand Sharma has been arrested by the police, so he seeks permission to withdraw this application with respect to petitioner no.4.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.4.

Heard learned counsel for the petitioner nos. 1, 2 and 3 and the learned A.P.P. for the State.

The petitioner nos. 1, 2 and 3 apprehend their arrest



in connection with Amarpur P.S. Case No. 589 of 2018, registered under Sections 447, 341, 323, 324, 354B, 379, 385, 504 and 506/34 of the Indian Penal Code.

The accusation is that six persons named in the F.I.R. including the petitioners variously armed with Farsa, Bhala, Saria, Khanti and Pistol came at the Boring of informant, Shiv Shankar Sharma and started to abuse. When the informant made protest then they asked to the effect that one week before, his brother, Ram Shankar assured to irrigate five Bigha land without payment but he did not irrigate the aforesaid land. At that time, Vikash Shamra (petitioner no. 2) gave Farsa blow at the head of informant, in which, he fell down. Thereafter, Milan Kumar Sharma (petitioner no.1) gave Bhala blow causing injury at his ear. In the meantime, his father, wife and sister-in-law came to save him then Jhunjhun Sharma and Manish Sharma caused injury to his wife through fist and slaps and tore her Blouze. Thereafter, Ajay Sharma (petitioner no.3) and Viveka Sharma (petitioner no.4) caused injury to his father through spade and Khanti.

Learned counsel for the petitioners submits that petitioners and the informant are agnates and due to irrigation of field, occurrence of took place, in which, petitioner's side also



sustained injury, regarding which, Amarpur P.S. Case No. 588 of 2018 is instituted under Sections 447, 341, 323 and 324/34 against the father and brother of the informant on the basis of written report of petitioner no.2. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 1, 2 and 3 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 Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 589 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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

