

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48131 of 2019

Arising Out of PS. Case No.-184 Year-2019 Thana- BARHARIA District- Siwan

1. RAKESH SHARMA @ RAKESH KUMAR SHARMA, Son of Naresh Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
2. Amod Sharma @ Amod Kumar Sharma Son of Surendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
3. Vinod Sharma @ Vinod Kumar Sharma Son of Surendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
4. Vikash Sharma @ Vikash Kumar Sharma Son of Late Babu Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
5. Pintu Sharma @ Pintu Kumar Sharma Son of Late Babu Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
6. Ravi Sharma Son of Late Birendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
7. Chinta Devi Wife of Nagendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
8. Raj Kali Devi wife of Birendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
9. Rita Devi Wife of Surendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
10. Mamta Sharma @ Mamta Kumari D/O - Nagendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan
11. Shalu Sharma @ Manisha @ Manisha Sharma D/O - Nagendra Sharma Resident of Village - Aurain, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered



for the offences punishable under Sections 341, 323, 308, 324, 504, 506 and 354/34 of the IPC.

The prosecution case is that the informant's daughter, Rina Sharma was abused and humiliated by thirteen accused persons including the petitioners and on protest being made, co-accused Jitendra Sharma assaulted the informant with bricks causing injury on his head. It is specifically alleged that petitioner no.1 caused grievous injury on the shoulder of the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute and petitioner no.1 assaulted the informant on non-vital part. There is counter version of the occurrence also, being Barhariya P.S. Case No. 189 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that petitioner no.1, Rakesh Sharma @ Rakesh Kumar Sharma caused grievous injury to the informant, this Court is not inclined to grant him privilege of anticipatory bail.

However, learned Court below may consider the prayer for



regular bail, if he surrenders within a period of six weeks.

So far as other petitioners are concerned, since the accusation against them is omnibus and general, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners, except petitioner no.1, be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, 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, Siwan in connection with Barharia P.S. Case No. 184 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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