

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64045 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- SULTANGANJ District- Bhagalpur

1. NAND KISHOR SHARMA, aged about 62 years, Male, son of late Mahadeo Sharma, resident of Ward No. 10, Village Kasmabad, Post-Gangapur, P.S. Sultanganj, Bhagalpur – 813213

2. Bhagwan Mandal, aged about 62 years, Male, son of late Jago Mandal, resident of village Kasmabad, Post-Gangapur, P.S. Sultanganj, Bhagalpur – 813213
... Petitioners

Versus

The State of Bihar

... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 64057 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- SULTANGANJ District- Bhagalpur

1. BHOPALI SHARMA @ SUBODH SHARMA, aged about 49 years, Male, son of late Mahadev Sharma, resident of village Kasmabad, Post-Gangapur, P.S. Sultanganj, Bhagalpur – 813213

2. Fucho Sharma @ Satyaveer Sharma @ Satabir Sharma, aged about 33 years, Male, resident of Ward No. 11, Kasmabad, Post-Gangapur, P.S. Sultanganj, Bhagalpur – 813213
... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

(in both the cases)

For the Petitioners : Mr. Jitendra Kumar Giri, Adv.

For the Opposite Party : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-10-2019 Since, both the cases arise out of same Police Station case number, hence, heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Sultanganj P.S. Case No. 178 of 2019 (corresponding to G.R.



No. 3396 of 2019) registered under Sections 341, 323, 324, 447, 307, 504, 506 and 34 of the Indian Penal Code.

The accusation is that all the four petitioners of both the cases, along with Chhotan Sharma, came at the door of the informant, Chinta Devi, and made query about her grandson, Harishchandra Mandal, in the meantime, Harishchandra Mandal came out of the house, then, Bhopali Sharma (petitioner no. 1 of Cr. Misc. No. 64057 of 2019) folded the gamcha in the neck of Harishchandra Mandal and started to press the neck and on inquiries of the informant, Fuchho Sharma (petitioner no. 2 of Cr. Misc. No. 64057 of 2019) fired from his pistol and also caused injury through butt of the pistol and hand at the fore-head of the informant. Bhopali Sharma also gave the knife blow at her left fore-arm.

Submission is that in fact exchange of hot word took place with scuffle in which petitioners' side also sustained injury regarding which Sultanganj P.S. Case No. 179 of 2019 was also instituted on the basis of fardbeyan of Subodh Sharma in which the grandson of the informant of the present case is also accused. More over, no apparent injury was found on the person of the informant or her grandson, Harishchandra Mandal.

Having regard to the facts and circumstances of the



case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Sultanganj P.S. Case No. 178 of 2019 (corresponding to G.R. No. 3396 of 2019) shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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