

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7352 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- GOH District- Aurangabad

1. DHARMENDRA SHARMA Son of Late Jainandan Singh @ Jay Nandan Sharma Resident of Village- Barahi Bujurg, P.S.- Goh, Distt- Aurangabad.
2. Saurav Singh @ Nitish Kumar S/o Dharmendra Sharma Resident of Village- Barahi Bujurg, P.S.- Goh, Distt- Aurangabad.
3. Kanchan Devi W/o Dharmendra Sharma Resident of Village- Barahi Bujurg, P.S.- Goh, Distt- Aurangabad.
4. Rekha Kumari W/o Saurav Kuamr @ Nitish Kumar Resident of Village- Barahi Bujurg, P.S.- Goh, Distt- Aurangabad.
5. Sumit Kumar Son of Surendra Sharma Resident of Puran, P.S.- Karpi, Distt- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arvind Kumar Mouar, Advocate
For the Opposite Party/s : Mr Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 24-08-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners, learned APP for the State as well as learned counsel representing the informant,



who has vehemently opposed the prayer for anticipatory bail.

Petitioners apprehend their arrest in connection with Goh Police Station (for brevity, *PS*) Case No 187 of 2019 instituted for the offence punishable under Section (s) 341, 323, 324, 325, 307, 504/34 of Indian Penal Code.

The prosecution case is that accused persons attacked the shop of the informant. There is allegation of assault against the instant petitioners also.

Learned counsel for the petitioners submits that in respect of petitioners No 1 and 2, he would approach the Court for grant of regular bail.

In respect of the remaining petitioners, he submits that petitioners No 3 and 4 are females, one of them was pregnant. Allegation against petitioner No 5 is also not specific. Entire family members have been implicated on extraneous consideration.

The learned APP as well as learned counsel for the informant submits that the informant and family members have received injuries. There is specific allegation against petitioners No 1 and 2.

Considering the rival submissions, this Court would permit the petitioners' counsel liberty to withdraw the prayer for



anticipatory bail made on behalf of petitioners No 1 and 2 to approach the Court below for grant of regular bail, which, needless to say, will be considered without being prejudiced by withdrawal of prayer for anticipatory bail.

Prayer for anticipatory bail made on behalf of petitioners No 1 and 2 is dismissed as withdrawn, subject to the liberty, as aforesaid.

In the facts and circumstances of the case, prayer of petitioners No 3, 4 and 5 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners No 3, 4 and 5, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Aurangabad in connection with Goh PS Case No 187 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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