

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11738 of 2020

Arising Out of PS. Case No.-283 Year-2019 Thana- RAMPUR District- Gaya

1. Enty Sharma @ Rishbh Kumar Son of Ramesh Sharma Resident of Mohalla - Shastri Nagar, P.S.- Rampur, Distt - Gaya.
2. Ramesh Sharma Son of Late Jagdeo Sharma Resident of Mohalla - Shastri Nagar, P.S.- Rampur, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramashish, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-06-2020 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Rampur P.S. Case no. 283 of 2019 registered under sections 448, 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, the accused persons including the two petitioners herein are stated to have called the son of the informant outside his house and of having assaulted him with lathi, rod etc. It is further stated that on the informant going to rescue of her son, she was also assaulted.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 happens to be the son of petitioner no. 2. It is further submitted that both the sides are closely related with the informant being the Bhabhi of petitioner no. 2 and the injured informant's son namely Manish Sharma being the nephew of the petitioner no. 2. It is submitted that the



allegations in the FIR have been blown out of proportion. The same was as a result of minor dispute between the family members between whom property disputes are also pending. It is submitted that from perusal of the injury reports brought on record as Annexure 2 series to the petition most of the injuries have been found to be simple in nature and with respect to others, reports are awaited. It is finally submitted that there is absolutely no explanation for the inordinate delay in lodging of the F.I.R for the reason that the occurrence is stated to have taken place on 3.7.2019, the fardbeyan was recorded on 2.8.2019 and the FIR was registered on 8.8.2019. The petitioners have no criminal antecedent.

Having heard learned counsel for the parties and in the facts and circumstances of the case specially the relationship between the parties, nature of injury and delay in lodging of the fard beyan, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Rampur P.S. Case no. 283 of 2019 will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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