

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22372 of 2020

Arising Out of PS. Case No.-802 Year-2019 Thana- NAUBATPUR District- Patna

1. DHARMENDRA KUMAR Son of Late Sahja Nand Sharma Resident of Village- Rauniya, P.S. and P.O.- Naubatpur, District- Patna (Bihar).
2. Sujeet Kumar Son of Late Sahja Nand Sharma Resident of Village- Rauniya, P.S. and P.O.- Naubatpur, District- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sayed Imran Ghani

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-11-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Naubatpur P.S. Case No. 802 of 2019, disclosing the offence under Sections 341, 323, 379, 384, 504, 506 read with Section 34 of the Indian Penal Code.

The petitioners are full brothers. It is alleged in the FIR that all the four persons named in the FIR had intercepted the informant who was returning back to his home in a *scooty* with his wife. Allegedly, they started abusing him and asked him to give them a sum of Rs. 50,000=00 else both of them would be killed. There is allegation against co-accused Khedan Singh of having took out a pistol. There is allegation against other



persons of having slapped him. Further, there is allegation against co-accused Khedan Singh of having taken away a sum of Rs. 5,000=00 from his pocket.

Learned counsel for the petitioner has argued that the case of the prosecution, as narrated in the FIR, on the face of it, appears to be highly improbable. He has argued that for the alleged occurrence said to have taken place on 19.12.2019, the FIR has been registered on 21.12.2019, which indicates that the petitioners, who are full brothers, have been falsely implicated out of local village disputes. He has also argued that in any view of the matter there is no allegation against the petitioners of being in possession of any weapon, much less any fire-arm. It has been stated in paragraph-3 of the application that the petitioners have no criminal antecedent.

Considering the above, this application is allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned A.C.J.M.-II, Danapur, Patna in Naubatpur P.S. Case No. 802 of 2019, G.R. No. 4500 of 2019, subject to the condition as laid down under Section 438(2) of



the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

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