

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34795 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- GOVINDGANJ District- East Champaran

1. PITAMBER SHARMA, Son of Late Juthan Sharma, Resident of Village- Sareya, P.S.- Govindganj, District- East Champaran
2. Sujit Sharma, Son of Lallan Sharma, Resident of Village- Sareya, P.S.- Govindganj, District- East Champaran
3. Subhas Sharma @ Subodh Sharma, Son of Sheo Balak Sharma, Resident of Village- Sareya, P.S.- Govindganj, District- East Champaran
4. Vijay Sharma, Son of Pitamber Sharma, Resident of Village- Sareya, P.S.- Govindganj, District- East Champaran ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Raghav Prasad, Adv.

For the Opposite Party : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 14.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

The learned counsel appearing for the petitioners submits that petitioner no. 1, Pitamber Sharma, has surrendered before the trial Court and has been released, whereas petitioner no. 2, Sujit Sharma, has been arrested by the police, as such, he does not want to press the pre-arrest bail on behalf of petitioner no. 1, Pitambar Sharma, and petitioner no. 2, Sujit Sharma, and the same may be dismissed as withdrawn.

Heard learned counsel for the petitioner no. 3, Subhas



Sharma @ Subodh Sharma, and petitioner no. 4, Vijay Sharma, and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Govindganj P.S. Case No. 22 of 2020, registered under Sections 447, 342, 307, 325, 323, 315, 354 and 504/34 of the Indian Penal Code.

The accusation is that seven persons, named in the first information report, including petitioners 3 and 4, are pattedar of the informant, Dhurup Sharma, came at his door and pulled his daughter-in-law, Anjani Devi, and started to cause assault, due to that reason her two and half months pregnancy got aborted.

Submission is that petitioners 3 and 4 and other accused, named in the first information report, are pattedar of the informant and due to land dispute, occurrence of marpeet took place in which both sides sustained injury, regarding which Govindganj P.S. Case No. 23 of 2020 is also instituted on 21.01.2020 on the basis of fardbeyan of co-accused, Pitamber Sharma. Further, submission is that petitioners 3 and 4 are named in the first information report, but, no specific overt act is attributed against them and they have no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the petitioners 3 and 4, namely, Subhas Sharma @ Subodh Sharma and Vijay Sharma, in the event of surrender/arrest, within a period of four weeks from today, in connection with Govindganj P.S. Case No. 22 of 2020 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 Additional Chief Judicial Magistrate, I, East Champaran at Motihari, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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