

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33491 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- JANDAHA District- Vaishali

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1. NAGMANI SHARMA @ NAGMANI KUMAR, S/o Mahesh Sharma, R/o Village- Kazri Buzurg, P.S.- Jandaha, District- Vaishali
 2. Krishna Mohan Sharma, S/o Mahesh Sharma, R/o Village- Kazri Buzurg, P.S.- Jandaha, District- Vaishali
 3. Mahesh Sharma, S/o Mahadeo Sharma, R/o Village- Kazri Buzurg, P.S.- Jandaha, District- Vaishali
 4. Vivekanand Sharma, S/o Nawal Kishore Sharma, R/o Madhaul, P.S.- Mahua, District- Vaishali ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Amresh Kumar Sinha, Adv.

For the Opposite Party : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-03-2021 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 08.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

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

The petitioners seek pre-arrest bail in connection with Jandaha P.S. Case No. 270 of 2019, registered under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code.

The accusation is that on 26.10.2019 at about 03.00 p.m., Nagmani Sharma (petitioner no. 1), Krishna Mohan Sharma (petitioner no. 2), Mahesh Sharma (petitioner no. 3) and



Vivekanand Sharma (petitioner no. 4), along with Raja Sharma, surrounded the informant, Munna Sharma, and started to abuse. When the informant, Munna Sharma, made protest, then, Nagmani Sharma (petitioner no. 1) and Krishna Mohan Sharma (petitioner no. 2) caused assault through lathi and khanti. At that time, petitioner no. 3, Mahesh Sharma, and petitioner no. 4, Vivekanand Sharma, and one Raja Sharma, were also present having pistol in their hands.

Submission is that while petitioner no. 3, Mahesh Sharma, and petitioner no. 4, Vivekanand Sharma, are named in the first information report, but, no specific overt act is alleged against them while allegation has been made against petitioners 1 and 2 to cause injury through rod and khanti, but, out of two injuries, only one injury was found grievous in nature.

Having regard to the facts and circumstances of the case, let the petitioners 3 and 4, namely, Mahesh Sharma and Vivekanand Sharma, in the event of surrender/arrest, within a period of four weeks from today, in connection with Jandaha P.S. Case No. 270 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 Subdivisional Judicial Magistrate, Vaishali at Hajipur, or the



successor Court subject to the conditions as laid down under
Section 438(2) Criminal Procedure Code.

So far as prayer of pre-arrest bail of petitioners 1 and
2, namely, Nagmani Sharma and Krishna Mohan Sharma, is
concerned, it is **rejected** with direction to the petitioners to
surrender before the Court below and seek regular bail, which
shall be considered, by the Court below, on its own merit,
without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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