

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33364 of 2020

Arising Out of PS. Case No.-128 Year-2020 Thana- PARASBIGHA District- Jehanabad

1. CHANDAN SHARMA @ CHANDAN KUMAR, Son of Satrughna Sharma, Resident of Village- Chainpura, P.S.- Parasbigha, District- Jehanabad
2. Anjani Sharma @ Anjani Kumar, Son of Satrughna Sharma, Resident of Village- Chainpura, P.S.- Parasbigha, District- Jehanabad
3. Prince Kumar, Son of Anjani Sharma @ Anjani Kumar, Resident of Village- Chainpura, P.S.- Parasbigha, District- Jehanabad
4. Jitendra Kumar @ Jitesh Kumar, Son of Late Bimales Sharma, Resident of Village- Senari, P.S.- Kurtha, District- Arwal ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Shivendra Prasad, Adv.
For the Opposite Party : Mr. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-03-2021 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 07.12.2020, 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 Parasbigha P.S. Case No. 128 of 2020, registered under Sections 147, 148, 149, 447, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.



The accusation is that on 10.08.2020 at about 10.00 am, informant, Upendra Sharma, moved from his house and when reached at the door of the villager, Shatrughan Sharma, then, Anjani Sharma (petitioner no. 2) and Chandan Sharma (petitioner no. 1) started to abuse. In the meantime, Prince Kumar (petitioner no. 3), Shatrughan Sharma and his cousin, Jitendra Kumar (petitioner no. 4) caught hold him and started to lay him on ground pressing his neck and started to cause assault through brick and stone. On raising alarm by the informant, his aunt, Sharda Devi and villagers rushed and saved him. In the meantime, Anjani Sharma (petitioner no. 2) and Jitendra Kumar (petitioner no. 4) came with rifle and pistol, Chandan Sharma (petitioner no. 1) fired through rifle, but, informant, Upendra Sharma, saved himself in the lane whereas Jitendra Kumar (petitioner no. 4) also fired through pistol, which passed nearby his waist. At that time, villagers gathered and saved him.

Submission is that in fact occurrence of marpeet took place in which petitioners' side also sustained injury, regarding which Parasbigha P.S. Case No. 129 of 2020 is also instituted on the basis of fardbeyan of co-accused, Shatrughan Sharma, against the informant of the present case and others under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the



Indian Penal Code and 27 of the Arms Act on 10.03.2020. Further, submission is that while it is alleged in the first information report that Chandan Sharma (petitioner no. 1) and Jitendra Kumar (petitioner no. 4) fired through rifle and pistol on the informant, but, he did not receive the injury. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Parasbigha P.S. Case No. 128 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 Chief Judicial Magistrate, Jehanabad, 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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