

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2472 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- JAMOBABAZAR District- Siwan

1. RADHESHYAM SHARMA SON OF LATE ASHARFI SHARMA
RESIDENT OF VILLAGE-JAGDISHPUR,P.S-JAMOBABAZAR, DISTRICT-
SIWAN
2. PRAMOD SHARMA SON OF RADHESHYAM SHARMA RESIDENT OF
VILLAGE-JAGDISHPUR,P.S-JAMO BAZAR, DISTRICT-SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-12-2021 Heard Mr. Vijay Bardhan Pandey, learned
Advocate for the petitioners and Mr. Md. Aslam Ansari,
learned APP for the State.

Mr. Pandey, learned Advocate seeks permission
to withdraw the application with respect to petitioner no.
1 (Radheshyam Sharma) who has been arrested during
the pendency of this petition.

The petition with respect to petitioner no. 1 is
dismissed as having become infructuous.

The petitioner no. 2 seeks bail in anticipation of
his arrest in connection with Jamo Bazar P.S. Case No.
168 of 2020 dated 02.08.2020 instituted for the
offences under Sections 341, 323, 324, 307, 379, 427,



506 and 34 of the Indian Penal Code.

The father of the informant was assaulted by the other accused persons. So far as the petitioner no. 2 is concerned, he is said to have ordered to assault the father of the informant.

Learned counsel for the petitioner has submitted that except for the accusation against him of exhorting one of the accused persons for assaulting the father of the informant, there is no other charge against him.

He has further submitted that the FIR has been lodged after delay of two days without any explanation. The prosecution side were in fact the aggressors and in the aforesaid occurrence in which the prosecution side were the aggressors, the wife of the erstwhile petitioner no. 1 was also injured. Despite a case having been lodged from the side of the petitioner no. 2, no case was registered by the police because of the pressure exerted on the local police by the informant and others.

Regard being had to the aforestated facts and taking into account the background of enmity between the parties, the petitioner no. 2 is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Jamo Bazar P.S. Case No. 168 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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