

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4535 of 2021

Arising Out of PS. Case No.-187 Year-2020 Thana- AMARPUR District- Banka

1. Baby Devi, Wife of Manoj Sharma, R/o village- Koindah, P.S.- Amarpur, District- Banka
2. Amarendra Sharma, S/o Late Rajendra Sharma, R/o village- Koindah, P.S.- Amarpur, District- Banka
3. Manoj Sharma, S/o Late Shyam Sundar Sharma, R/o village- Koindah, P.S.- Amarpur, District- Banka
4. Bishnu Sharma, S/o Late Rajendra Sharma, R/o village- Koindah, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate.

For the Opposite Party/s : Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-06-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel for the petitioner seeks permission to withdraw this application as petitioner nos. 1 and 3, namely, Baby Devi and Manoj Sharma, have been arrested by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to appellant nos. 1 and 3.



Heard learned counsel for the petitioner nos. 2 and 4, namely, Amrendra Sharma and Bishnu Sharma, and the learned A.P.P. for the State through Video Conferencing.

The petitioner nos. 2 and 4, namely, Amrendra Sharma and Bishnu Sharma, apprehend their arrest in connection with Amarapur P.S. Case No. 187 of 2020, registered under Sections 147, 148, 323, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code has been added.

The accusation is that on 15.04.2020, informant, Sushil Sharma, was at his house, at that time, ten persons named in the FIR including the petitioners came and started to abuse. When the informant, Sushil Sharma, made protest then all started to cause injury through lathi, stick and iron rod to him, in which, he sustained injury at his head. In the meantime, his son, Amit Sharma, came to save him then Brajesh Sharma caused injury through lathi causing fracture injury in his left finger. When his mother, Bimla Devi, rushed to save his son, Amit Sharma then Krishna Sharma caused fracture injury at her right leg through lathi. Thereafter, all entered in his house and threw household articles and also took cash of Rs.10,000/-.

Learned counsel for the petitioner nos. 2 and 4,



namely, Amrendra Sharma and Bishnu Sharma, submits that due to draining out of water through drainage, occurrence of *Marpit* took place, in which, petitioners' side also sustained injury, regarding which, Amarpur P.S. Case No. 188 of 2020 is also instituted on the basis of Fradebyan of co-accused, Brajesh Sharma. Further submission is that in course of treatment, Bimla Devi, wife of the informant, died due to injury sustained by her, which is caused by co-accused, Krishna Sharma, as detailed in the FIR. It is further submitted that while the allegation has been made against petitioner nos. 2, 4 and others co-accused to cause injury through lathi but only one injury was found on the head of the informant, which is simple in nature. In fact, petitioner nos. 2 and 3 were present at the time of occurrence due to that reason they have been implicated in the present case with false allegation. Further submission is that petitioner nos. 2 and 4 have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 2 and 4 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Banka, in connection with
Amarpur P.S. Case No. 187 of 2020, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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