

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40844 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- PANAPUR District- Saran

-
1. BASANT SHARMA @ BASANT MISTRY S/o PARMESHWAR SHARMA,
 2. Raj Kumar Sharma S/o Basant Sharma @ Basant Mistry,
 3. Monu Sharma @ Manu Kumar S/o Basant Sharma @ Basant Mistry,
 4. Sunil Sharma @ Sunil Kumar Sharma S/o Basant Sharma @ Basant Mistry,
 5. Sonu Sharma @ Sonu Kumar Sharma S/o Basant Sharma @ Basant Mistry,
Resident of Vill.- Sonbarsa, P.S.- Panapur, District- Saran at Chapra.
 6. Jitendra Sharma son of Basant Sharma @ Basant Mistry,
All Resident of Vill.- Sonbarsa, P.S.- Panapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Prakash, Adv.
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Jitendra Narayan, Adv.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 10-12-2021 Heard the learned counsel for the petitioners and learned APP for the State as well as learned counsel for the informant.

Learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

The petitioners are apprehending their arrest in



connection with Panapur P.S. Case No. 48/2020, registered for the offence punishable under Sections 341, 324, 323, 354(B), 379, 504/34 of the Indian Penal Code.

On 24.03.2020, the informant Anjali Kumari lodged an FIR, stating therein that when she was standing at her door, petitioner no.5, Sonu Sharma came there and caught her and embraced her in his arms when she raised hue and cry. Meanwhile, Jitendra Sharma petitioner no.6 gagged her mouth and they with intention to commit rape, took her behind the ojhal. Meanwhile her father and mother came to rescue on her hue and cry. Then Raj Kumar Sharma, petitioner no.2, inflicted rod blow on the head of the informant's mother, petitioner no.6, Jitendra Sharma also inflicted rod blow on the head of the informant's father.

Learned counsel for the petitioners has submitted that petitioner no. 2 to 5 are sons of petitioner no.1. He has submitted that this case has falsely been lodged only to save the skin from Panapur P.S. Case No. 47/2020, which has been lodged by the petitioners' side against the informant's side. In that case Basant Sharma, petitioner no.1, is the informant. He has submitted that both the parties have sustained injuries and the case and counter case have been lodged by both the parties,



whereas the allegation of attempt to rape or allegation of Section 354B is entirely false. He has submitted that later on the police has also added the Sections of POCSO Act which is not applicable in the case.

Learned counsel for the petitioners has submitted that the injuries sustained by the informant's mother and father were simple in nature, caused by hard and blunt substance. The petitioners have mentioned this fact in paragraph no. 11 of the petition.

On the other hand, learned APP for the State, assisted by the learned counsel for the informant, has submitted that the accused persons not only molested the victim, but also attempted to commit rape upon her and Sections of POCSO Act were also added.

In the aforesaid facts and circumstances of the case, specially the fact that there is case and counter case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 learned Additional Chief Judicial Magistrate-



1st, Saran at Chapra, in connection with Panapur P.S. Case No. 48/2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

