

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4238 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- MEHANDIA District- Jehanabad

1. RAM KISHORE SINGH @ RAM KISHORE SHARMA, Male, aged about 45 years, Son of LATE YADU SINGH, Resident of Village - Mehendiya, P.S.- Mehendiya, Distt.- Arwal.
2. RAJEEV KUMAR @ MANTU SHARMA @ MINTOO, Male, aged about 41 years, Son of LATE RAM EKBAL SINGH, Resident of Village - Jaipur, P.S.- Mehendiya, Distt.- Arwal.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Patanjali Rishi, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-09-2021 A Mentioning Slip has been filed on 31.08.2021 by learned counsel for the petitioners, let it be kept on the record, stating therein that the petitioner no. 2 is suffering from kidney ailments and he requires to be treated at the earliest. Hence, he prays that this case may be taken up out of turn.

Considering the grounds mentioned in the Mentioning Slip, this case is taken up out of turn.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory application filed on behalf



of petitioner no. 1, namely, Ram Kishore Singh @ Ram Kishore Sharma, as he has been taken into judicial custody and subsequently he has been granted regular bail by the learned court below itself in connection with Mahendiya P.S. Case No. 34 of 2020, pending in the court of learned Chief Judicial Magistrate, Jehanabad.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Ram Kishore Singh @ Ram Kishore Sharma is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State through Virtual mode.

Now the petitioner no. 2 is apprehending his arrest in connection with Mahendiya P.S. Case No. 34 of 2020 for the offence registered under Sections 323, 341, 447, 324, 308/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 02.04.2020 while the informant was sitting at his gate in the morning at about 10.00 A.M., in the meantime, co-accused Sanjay Sharma, Rajiv Kumar @ Mantu Sharma (petitioner no. 2), co-accused Reena Devi and co-accused Ram Kishore Sharma came from the car and without hearing anything, Rajiv Kumar @ Mantu



Sharma (petitioner no. 2) shot one fire and assaulted with pistol on the head of the informant. Thereafter, co-accused Reena Devi assaulted with bricks on the hands and legs of the informant. Seeing this, co-accused Sanjay Sharma assaulted with Lathi and co-accused Ram Kishore Sharma assaulted with knife near the eyes of the informant. The informant claims that all the four accused persons injured him.

It has been submitted by learned counsel for the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. From perusal of the order of the learned Additional Sessions Judge-Vth, Jehanabad, it appears that nature of injury is said to be simple.

On behalf of the learned counsel for the State, it has been submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner no.2 above named (except petitioner no. 1 Ram Kishore Singh @ Ram Kishore Sharma), in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Chief



Judicial Magistrate, Jehanabad, in connection with Mahendiya P.S. Case No. 34 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 2 shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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