

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39646 of 2020

Arising Out of PS. Case No.-421 Year-2020 Thana- SUGAULI District- East Champaran

ATUL SHARMA Son of Sanjay Sharma Resident of Ward No. 07, Chhota Bangra, P.S. - Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 149, 341, 323, 324, 307, 504 & 120B of the Indian Penal Code.

While the informant along with his elder sister and her husband were regressing to his home, after getting treatment of his sister, all of a sudden all the named accused persons including this petitioner are said to have attacked on the



informant and abused. When the informant tried to flee away leaving the motorcycle, then accused Sanjay Sharma attacked on him by means of farsa on his head causing injury he fell down. Petitioner attacked on his brother-in-law by means of dagger due to which he sustained injury in his leg. When the father of the informant rushed in their rescue, he was also assaulted by the accused persons. Accused Ram Kewal Sharma resorted firing giving threat that if anyone will come to save them then he will shot dead. His sister was also assaulted by lathi, fattha and gun.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to land dispute. Both the parties are next door neighbours. There is no injury report on record. There is delay of seven days in lodging the F.I.R. without explaining any plausible reason for the same. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 25.08.2020.

Learned APP for the State opposed the bail



petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S. Case No.421 of 2020.

(Anjani Kumar Sharan, J)

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