

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40626 of 2020

Arising Out of PS. Case No.-353 Year-2019 Thana- MAHNAR District- Vaishali

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1. Raja Sharma @ Rituraj Sharma, aged about 23 years, Male Son of Late Nagendra Sharma, Resident of Village - Ward No.12, Station Road, Mahnar, P.S.- Mahnar, District- Vaishali.
 2. Abhay Sharma, aged about 40 years, Male Son of Vishwanath Sharma @ Vishnu Sharma, Resident of Ward No.12, Station Road, Mahnar, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajeev Ranjan No. II, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP
For the Informant :	Mr. Shyameshwar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-10-2021 Heard learned counsel appearing on behalf of the petitioners, learned counsel appearing on behalf of the State and learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in connection with Mahnar P.S. Case No. 353 of 2019, dated 13.10.2019 registered for offence punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

Briefly stated the allegation made in the FIR is that while the informant along with his brother Shekhar Sharma went to attend the feast at the house of Vishwanath Sharma, one Oum Sharma started abusing and upon protest the accused



persons named in the FIR attacked him with deadly weapon which cause injury on the fore-head of Shekhar and also caused injury on different parts of their body.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against the petitioners and there is also a counter case in which the informant has attacked these petitioners. He draws the attention to the supplementary affidavit filed wherein the injury report has been brought on record.

Learned counsel appearing on behalf of the State and the informant opposes the prayer for grant of anticipatory bail of the petitioners and submits that there is direct allegation against petitioner no. 2 namely, Abhay Sharma, who has assaulted the informant with pistol. However, there is no such direct allegation against petitioner no. 1 namely, Raja Sharma @ Rituraj Sharma, against whom general and omnibus has been made.

Considering the facts and circumstances of the case and the allegation made in the FIR, this court is not inclined to grant anticipatory bail to the petitioner no. 2, namely, Abhay Sharma.

So far as petitioner no. 1 namely, Raja Sharma @



Rituraj Sharma, is concerned, this Court is inclined to grant anticipatory bail to the petitioner no. 1, Raja Sharma @ Rituraj Sharma.

Having regard to the facts and circumstances of the case, let the above named petitioner no. 1 namely, Raja Sharma @ Rituraj Sharma be released on bail, in the event of his arrest or surrender before the Court below within four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 353 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Purnendu Singh, J.)

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