

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2777 of 2021

Arising Out of PS. Case No.-336 Year-2019 Thana- GOPALPUR District- Bhagalpur

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1. Raj Kumar @ Rinku Sharma @ Raj Kumar Sharma, Son of Mantu Sharma @ Mantu @ Arvind Sharma
 2. Poonam Devi @ Punam Devi @ Soni Devi, W/o Raj Kumar @ Rinku Sharma @ Raj Kumar Sharma
 3. Nidhi Kumari, D/o Mantu Sharma @ Mantu @ Arvind Sharma
 4. Saraswati Devi, D/o Mantu Sharma @ Mantu @ Arvind Sharma
- All are resident of Village-Kalindinagar, P.S.-Gopalpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Devi, Wife of Sunil Sharma, Resident of Village-Kalindinagar, P.S.-Gopalpur, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sarita Bajaj, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-07-2021 Heard Ms. Sarita Bajaj, the learned Advocate for
the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their



arrest in connection with Gopalpur P.S. Case No. 336 of 2019, instituted for the offences under Sections 147, 149, 307, 323, 324, 341, 504 and 506 of the Indian Penal Code.

The accusation against the petitioner No. 1 is of having assaulted the husband of the informant while vegetables were being plucked in the garden.

The learned counsel for the petitioners has drawn the attention of this Court to the motive ascribed in the F.I.R. with respect to the occurrence. It has been alleged that the husband of the informant was being pressurized to give a coloured testimony in Court which he refused and, therefore, he has has been assaulted.

It has been submitted on behalf of the petitioners that an absolutely vague statement has been made in the F.I.R. and no details of the case where the husband of the informant was required to give testimony has been mentioned. It has been urged that such ground has only been created in the F.I.R. in order to justify their own act of aggression. The petitioner No. 1 has also filed a case against the informant and her other family members and has



alleged that the family members of the informant of the subject F.I.R. have assaulted the members of his family. An occurrence took place between two neighbours, namely, the petitioners and the informant and both the sides have lodged cases against each other. The cause of dispute has not correctly been stated in the subject F.I.R. Likewise, no reason has been ascribed for the assault in the counter case as well. One can but only infer that there is a dispute between the neighbours. The intention to severely injure any person from either side is not reflected from either the subject F.I.R. or the counter F.I.R.

Regard being had to the facts afore-stated and there being no grievous injury to any one of the victims, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Naugachia, Bhagalpur in connection with



Gopalpur P.S. Case No. 336 of 2019, subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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