

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7304 of 2021

Arising Out of PS. Case No.-7 Year-2019 Thana- SHANKARPUR District- Madhepura

1. LAKSHAN SHARMA @ LAKSHMAN SHARMA S/o Late Fagu Sharma Resident of Village- Basantpur, Ward No.16, P.S.- Shankarpur, Distt- Madhepura.
2. Singheshwari Das @ Tanti @ Sinheswar Tanti S/o Late Domi Sharma @ late- Domi Das @ late Domi Tanti Resident of Village- Basantpur, Ward No.16, P.S.- Shankarpur, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Shankarpur P.S. Case No. 7 of 2019 registered for the offence punishable under Sections 341, 147, 149, 323, 324, 379, 385 and 307 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having assaulted the informant and his family members.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they



have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for petitioners has further submitted that injuries whatsoever, which have been found on the body of the members of the prosecution party, are simple in nature and moreover, though the petitioner no. 1 has been stated to have assaulted by spear, but no pointed injury finds mention in the injury report of the injured person, namely, Rajo Das and in fact, the injury has been found to have been caused by hard and blunt substance as also the injuries have been found to be simple abrasions. It is submitted that there is contradiction in between the fardbeyan of the informant and the finding arrived at in the injury report. It is also submitted that the present case arises out of case and counter case, the case filed by the accused persons of the present case being first in time.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record, this Court finds that the injuries inflicted upon the injured persons, attributable to the petitioners herein, are simple in nature and moreover, the present case arises out of case and counter case, the case filed by the accused persons being first in time, apart from the fact that the petitioners are having a clean antecedent, hence, I deem it fit and appropriate to grant the privilege of anticipatory bail to the petitioners.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Madhepura in connection with Shankarpur P.S.



Case No. 7 of 2019, subject to the conditions as
laid down under Section 438(2) of the Code of
Criminal Procedure.

(Mohit Kumar Shah, J)

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