

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6418 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- KARPI District- Jehanabad

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1. DEEPAK SHARMA SON OF LATE RAM DARSHAN SHARMA
RESIDENT OF VILLAGE- PAHARPURA, P.S.- KARPI (SAHAR
TELPA), DISTRICT- ARWAL
 2. KUNAL KUMAR SON OF LATE RAM DARSHAN SHARMA
RESIDENT OF VILLAGE- PAHARPURA, P.S.- KARPI (SAHAR
TELPA), DISTRICT- ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Surendra Kumar Mishra
For the Opposite Party/s :	Mr.Anand Kishore Choudhary
	Mr.Nilendu Kumar Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2022 Heard learned counsel for the petitioners, learned counsel
for the informant and learned Additional Public Prosecutor for
the State.

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

The petitioners apprehend their arrest in a case registered
for the offence punishable under Sections 341, 323, 307, 337,
338, 504 and 506/34 of the Indian Penal Code.

Allegedly, the petitioners have assaulted the informant's



husband by means of iron rod and lathi.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to previous dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is general and omnibus in nature. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties, in which both sides have sustained injuries. It is further submitted that in Karpi (Shahar Telpa) P.S. Case No.215 of 2021, lodged by the petitioner no.2, the informant and others have been granted anticipatory bail by this Court. It has come in the impugned order that the opinion with regard to the injuries has been kept reserved. The injury report of the injured Awadhesh Sharma, the Doctor has found incised wound size 5" x 1/2" on middle of the head. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that there is specific overt act against the petitioners to assault the informant by means of hard and blunt substance. This fact is also supported by the injury report.



Having regard to the facts and circumstances of the case, since there is case and counter case between the parties and the husband of the informant has been granted anticipatory bail in the counter-case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Karpi (Sahar Telpa) P.S Case No.216 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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