

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9381 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- KARPI District- Jehanabad

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1. Awadhesh Sharma, (Male), aged about 56 years, Son Of Late Hira Sharma, R/O Village- Paharpura, P.S.- Karpi (Shahar Telpa), District- Arwal.
 2. Bimlesh Sharma, (Male), aged about 50 years, Son Of Late Hira Sharma R/O Village- Paharpura, P.S.- Karpi (Shahar Telpa), District- Arwal.
 3. Vijay Shamra, (Male), aged about 65 years, Son Of Late Hira Sharma R/O Village- Paharpura, P.S.- Karpi (Shahar Telpa), District- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioners and learned counsel for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Bimlesh Sharma, as he has been taken into judicial custody in connection with Karpi (Shahar Telpa) P.S. Case No. 215 of 2021, pending in the court of learned Additional Chief Judicial Magistrate-IV, Arwal.

Permission is accorded.

Accordingly, the present anticipatory bail application



filed on behalf of petitioner no. 2, namely, Bimlesh Sharma, is dismissed as withdrawn.

Now, the petitioner nos. 1 and 3 are apprehending their arrest in connection with Karpi (Shahar Telpa) P.S. Case No. 215 of 2021 for the offence registered under Sections 341, 323, 307 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 09.11.2021 at about 7.00 A.M., when the informant was at his door, in the meantime, Ankur Kumar Sharma was seen who has lent Rs. 50,000/- from him and when he demanded the said dues amount, there happened some altercation and after ten minutes, the petitioner nos. 1 and 3 and other accused persons armed with *Lathi*, *Danda* and *Khanti* came there and started to assault the informant. It is further alleged that when the informant's elder brother and uncle came there to rescue, they were also assaulted mercilessly.

It has been submitted by learned counsel for the petitioner nos. 1 and 3 that the petitioner no. 3 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. General and omnibus allegation has been made against them. No specific overt act is alleged against them. There is case and counter case between the



parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner nos. 1 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1 and 3 above named, (except petitioner no. 2, namely, Bimlesh Sharma) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Arwal, in connection with Karpi (Shahar Telpa) P.S. Case No. 215 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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