

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16330 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SUGAULI District- East Champaran

Sanjay Sharma Son of Chandrika Sharma Resident of Village - Sugauli
Nayaka Tola, P.S.- Sugauli, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-08-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 147, 149,
341, 323, 307, 504 and 506 of the Indian Penal Code in
connection with Sugauli P.S. Case No. 502 of 2021.

As per the allegation in the FIR, the informant
has alleged that the accused persons armed variously came
to informant's house and further Sandeep assaulted her with
'Khariya'. When her son came to her rescue, it is alleged
that the 'Khariya' hit his head and he was grievously
injured. The further allegation is that Munna Sah gave 'rod'



whereas Dhiraj Sah gave knife blow. The allegation is further that the Sandeep continued his assault causing grievous injury. The further allegation against the other accused persons including the petitioner herein that they too assaulted.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that specific allegations are against accused Sandeep, Dhiraj Sah and one Bikau who gave 'Khariya' blow, 'knife' blow as also 'Bhala' blow respectively to the informant's son and the lady. So far as this petitioner is concerned, it is submitted that omnibus allegation has been levelled against him that he along with half of dozen of persons also assaulted. He submits that for the said alleged act, he is in custody since 1.12.2021 (as stated in para-8 of the bail application).

Considering the fact that specific allegation is against Sandeep, Dhiraj Sah and Bikau who have assaulted the informant and her son and there is omnibus allegation against this petitioner as also that the injury sustained by Laxmi is simple in nature (as stated in para-13 of the case diary) and the petitioner is in custody since 1.12.2021, this Court is inclined to grant him the privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 502 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at



liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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