

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27014 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- DARAUNDA District- Siwan

1. SANJAY KUMAR SHARMA SON OF RAMESHWAR SHARMA Resident of Village - Pinarthu Khurd, P.S.- Daraunda, Distt.- Siwan.
2. Rabish Kumar Sharma Son of Bijendra Sharma Resident of Village - Pinarthu Khurd, P.S.- Daraunda, Distt.- Siwan.
3. Sushal Sharma Son of Daroga Sharma Resident of Village - Pinarthu Khurd, P.S.- Daraunda, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Daraunda P.S. case No.268 of 2020 registered under Sections 341, 323, 324, 307, 447, 448, 354, 379, 504 and 34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners came with lathi, danda, farsa and co-accused Manjay



Sharma assaulted the son of the informant, namely, Vijay by iron rod, due to which he sustained injury and petitioner No.2 Rabish Kumar Sharma assaulted another son of the informant, namely, Shivjee by means of lathi, due to which he sustained injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, 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 learned Chief Judicial Magistrate, Siwan in connection with Daraunda P.S. case No.268 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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