

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17061 of 2022**

Arising Out of PS. Case No.-415 Year-2021 Thana- PARSA District- Saran

Upendra Sharma Son of Late Laxmi Sharma Residnet of village - Parsauna,
P.S.- Parsa, District - Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 10-08-2022 Heard Mr. Radha Mohan Singh, learned counsel
for the petitioner and learned APP for the State and Miss.
Kanchan Kumari, learned counsel for the informant.

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

The petitioner is in custody in connection with
Parsa P.S. Case No. 415 of 2021 under sections 341, 323,
324, 307, 354, 379, 504, 506 and 34 of the Indian Penal
Code.

The allegation in the FIR against the petitioner
and his brother who are full brothers of the informant's
husband is/are that due to land dispute, they assaulted her
family members including the informant. She further alleged



that amongst other, Upendra Sharma and his brother assaulted her as also Madhu, Shilpa and Beauty. She has alleged that Upendra Sharma assaulted her on her head which according to the injury report is grievous in nature. He again assaulted Beauti Kumari on her head. The injured persons were taken to the hospital for treatment.

In this case, case diary was called for on 18.7.2022.

Learned counsel submits that both the informants and accused are agnates inasmuch as husband of the informant is brother of the present petitioner. It was land dispute and there was some hot exchange between the parties but the accusation made in the FIR is incorrect. He further submits that there is allegation of assault on the head by two accused persons whereas according to the injury report, there is single injury on the head. He further submits that despite the fact that he has clean antecedent, due to the said accusation, he has already suffered by being in jail since 17.1.2022 (as stated in para-15 of the bail application).

Learned counsel for the informant, Miss Kanchan Kumari on the other hand submits that allegation against Upendra Sharma is of assaulting both the informant



and Beauty Kumari and as per injury report itself the same has been found grievous. She as such opposes the bail application.

Considering the fact that there is allegation of assault by both Upendra Sharma and his brother on the head of the informant, whereas a single injury has been found on the scalp, he has clean antecedent (as stated in para-3 of the bail application) and the charge-sheet stands submitted, ultimately the petitioner has to face the trial, this Court for the present 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 A.C.J.M.-IX, Saran at Chapra, in connection with Parsa P.S. Case No. 415 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 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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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