

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28986 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- DARIYAPUR District- Saran

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1. HARENDRA SHARMA S/O- Sonu Sharma
 2. Shyamjeet Sharma S/o- Dhup Narayan Sharma
 3. Mirnal Sharma S/O- Dhup Narayan Sharma
 4. Ranjeet Sharma S/O- Dhup Narayan Sharma
 5. Shani Sharma S/o- Om Prakash Sharma
 6. Din Dayal Sharma S/o- Late Jugal Sharma
 7. Niraj Sharma S/O- Ranjeet Sharma
 8. Sonu Sharma S/o- Om Prakash Sharma
- All are Resident of Village - Math Kewatiya, P.S. - Dariyapur, Dist - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,341,323,354(B),379,504,506 of IPC.

The prosecution case, in short, is that informant



Manju Devi has alleged in her written report that on 06.11.2020 at about 9.00 A.M. she had gone to cultivate her field then the FIR named accused persons armed with weapons forbade her to cultivate her field and started abusing and assaulting and during the occurrence the accused persons snatched the gold Jiutiya and torn her clothes due to which she became semi-naked and on hearing Hulla when her family members came to save her then the accused persons also assaulted them due to which they sustained injury on their persons. In the meantime her villagers Lalbabu Rai, Jitendra Rai and Gobinda Rai came to save then the accused persons also assaulted them due to which they also sustained injury on their persons. The accused persons also threatened to kill her and her family members.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that both parties are Patidars and land dispute is pending between them. He further submits that the present case is counter blast of Dariyapur P.S.Case No.378 of 2020 lodged by Radhe Shankar Sharma who is brother of petitioner Mrinal Sharma against the informant and his family members.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dariyapur P.S.Case No.379 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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