

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32181 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- GAMAHARIYA District- Madhepura

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1. Vishundev Sharma S/O Shibi Sharma
 2. Vishun Narayan Sharma S/O Late Satto Sharma
 3. Shibi Sharma S/O Late Satto Sharma
 4. Govind Sharma S/O Shibi Sharma
 5. Sochen Sharma S/O Komal Sharma
 6. Gangiya Devi W/O Vishundev Sharma
 7. Mulki Devi W/O Vishun Narayan Sharma
 8. Reena Devi W/O Bucho Sharma
 9. Ful Kumari W/O Kapleshwar Sharma
 10. Sanjam Devi W/O Govind Sharma all R/O Village-Chikani Khar, P.S-
Gamhariya, District-Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-02-2022 Learned counsel for the petitioners submits that petitioner no. 4 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 4.

Accordingly, this application is dismissed as withdrawn with regard to petitioner no. 4.

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

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will



place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 379, 354, 504, 506/34 of the Indian Penal Code.

As per FIR, all the petitioners entered in the house of the informant armed with lathi, danda and tried to damage the house. On objection, Vishundeo Sharma and Vishun Narayan Sharma (petitioner nos. 1 and 2) caught the hair of the informant and tried to assault due to which she became dress less. It is also alleged that petitioner nos. 6 and 7 entered in the room and after breaking box, took away Rs. 2000/- cash and one silver locket cost of Rs. 3000/-.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that one of the petitioner lodged an FIR against the family member of the informant in the year 2019 due to that reason present case has been filed against the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for



bail and submits that there is specific allegation against Vishundeo Sharma and Vishun Narayan Sharma.

Considering the facts and circumstances of the case and the fact that there is no specific allegation against the petitioner nos. 3 and 5 to 10, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gamhariya P.S. Case No. 165 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as with regard to petitioner nos. 1 and 2 is concerned, there is specific allegation against them, I am not inclined to enlarge the petitioner nos. 1 and 2 on anticipatory bail. Accordingly, their prayer for anticipatory bail is rejected in connection with the aforesaid case.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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