

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38074 of 2021

Arising Out of PS. Case No.-367 Year-2020 Thana- KONCH District- Gaya

1. SANJAY SHARMA Son of Late Bakhori Sharma
2. Mahendra Sharma @ Mahendra Singh Son of Late Bakhori Sharma
Both are Resident of Village - Dhoraha, P.S. - Konch, District - Gaya.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 27-06-2022 Learned counsel for the petitioners seeks permission
to make rectification in the cause title of the anticipatory bail
application in course of the day.

Permission is accorded.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
354(a), 325 and 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent.

The informant alleges that on 24.12.2020, at about
04:00 p.m., her daughters went to attend the call of nature near
the river then the petitioners, on account of old enmity, started



scuffling with the daughters of the informant and passed alluring gesture on which her daughters started shouting then their younger brother came to rescue then he was assaulted by the petitioners and when her uncle came on hearing hulla he was also assaulted by lathi as a result of which Kail Mallah and Pintu Mallah received injury on their fingers.

Learned counsel for the petitioners further submits that from perusal of the allegation as alleged in the FIR, it would manifest that no offence under Section 307 of the Indian Penal Code is made out and rest of the Sections are bailable. It is next submitted that even presuming what has been alleged in the FIR is true then the FIR itself discloses that there was old enmity on account of which the present occurrence took place but the FIR does not disclose the nature of enmity. It is also submitted that the petitioners have been falsely implicated in the present case and the allegations are also general and omnibus in nature against the six accused persons. It is also submitted that there is no specific allegation of assault against the petitioners.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Konch P.S. Case No. 367 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

