

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39286 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- BAKHARI District- Begusarai

1. Dharmendra Sharma @ Dharmendra Kumar S/O Ramchandra Sharma R/O Village-Chakchanarpat, P.S.-BAKHRI, District Begusarai
2. Sitaram Sharma S/O Late Dhorai Sharma R/O Village-Chakchanarpat, P.S.-BAKHRI, District Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-03-2022 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 eight weeks.

Further, learned Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.



The petitioner No.1 is apprehending his arrest in a case registered under Sections 341, 323, 307, 354, 427, 379, 34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner No.1 having weapons in their hands forcibly entered in the house of the informant and co-accused Hareram Sharma and Shivnandan Sharma assaulted father of the informant by means of fists and slaps, due to which he sustained injuries and co-accused Ramchandra Sharma assaulted the informant by means of fars, as a result of which she sustained injury on her head.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner No.1. No specific overt act is alleged against the petitioner No.1. Specific allegation of assault is against the co-accused Hareram Sharma, Shivnandan Sharma and Ramchandra Sharma. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by



the prosecution. Prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner No.1 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner No.1, 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, Begusarai in connection with Bakhri P.S. case No.301 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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