

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43648 of 2021

Arising Out of PS. Case No.-383 Year-2020 Thana- BASANTPUR District- Siwan

1. LALBABU SHARMA Son of Bhikhari Sharma Resident of Village - Bala Badhai Tola, O.P. - Lakari Babiganj, P.S. - Basantpur, District - Siwan.
2. Rakesh Sharma son of Lalbabu Sharma Resident of Village - Bala Badhai Tola, O.P. - Lakari Babiganj, P.S. - Basantpur, District - Siwan.
3. Biju Sharma Son of Lalbabu Sharma Resident of Village - Bala Badhai Tola, O.P. - Lakari Babiganj, P.S. - Basantpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ramchandra Sahni
For the Opposite Party/s :	Mr.Jharkhandi Upadhyay
	Mr.Harish Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-04-2022 Heard the parties.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.1, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1 is dismissed as withdrawn.

Now, the present application is being heard for consideration of anticipatory bail of petitioner nos.2 and 3.



The petitioner nos.2 and 3 apprehend their arrest in a case registered for the offence punishable under Sections 341/ 323/ 324/ 307/ 379/ 504/ 506/34 of the Indian Penal Code.

Allegation against the petitioners is that they assaulted the informant by means of lathi. Thereafter, they also indiscriminately assaulted the brother and nephew of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties and in the alleged occurrence, both sides have sustained injuries, which are simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and there is case and counter-case between the parties, let the above named petitioner nos.2 and 3, be released on bail, in the event of their arrest or



surrender before the learned Court below within a period of six weeks from today, 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 Basantpur (Lakari Nabiganj) P.S. Case No.383/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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