

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42671 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

1. Murari Sharma Son of Late Brijnandan Sharma R/o Village - Nandanpura, P.S. - Makhdumpur, District - Jehanabad
2. Jhulan Sharma Son of Shri Shambhu Sharma R/o Village - Nandanpura, P.S. - Makhdumpur, District - Jehanabad
3. Shankar Kumar Son of Shri Murari Sharma R/o Village - Nandanpura, P.S. - Makhdumpur, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Rakoooh Kr. Sharma, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners and

learned counsel appearing on behalf of the informant and the

State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 147,
148, 149, 323, 325, 341, 307, 379, 452, 354, 504, 506 and 509
of the Indian Penal Code.

According to the prosecution case, co-accused



persons including the petitioners came and started assaulting the informant and her father-in-law mercilessly due to which the victim sustained head injury. It is also alleged that co-accused persons took out Rs. 25,000/- and some gold jewellery.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from perusal of the F.I.R. that there is general and omnibus allegation against the co-accused persons including the petitioners. He further submits that no specific allegation of assault or overt act have been attributed against the petitioners. He further submits that the present case is a counter blast of Makhdumpur (Tehta O.P.) P.S. Case No. 240 of 2021.

The learned counsel for the informant and the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that the injury report suggests that one injury is grievous in nature but fairly submits that the injury is caused by hard and blunt substance and the second injury is simple in nature.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 239 of 2021, 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 bond shall be cancelled by the Court below.

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

3. 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 his criminal antecedent, 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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