

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42829 of 2022

Arising Out of PS. Case No.-341 Year-2021 Thana- BAGHA District- West Champaran

1. Vijay Chandra Sharma Son of Raghupat Sharma R/o Village- Bhera Chowk, Sarsaiya, P.S.- Bagaha, District- West Champaran.
2. Suraj Sharma Son of Jiyal Sharma R/o Village- Bhera Chowk, Sarsaiya, P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2022 Heard both sides.

The petitioners apprehend their arrest in connection with Bagaha (Pathkhauli) P.S. Case No.341 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 354 and 509 of the Indian Penal Code.

Learned counsel for the petitioner undertakes to remove the defect(s), as pointed out by the office, within a period of four weeks.

Petitioner No.1, Vijay Chandra Sharma is said to have assaulted the informant by means of iron rod on her head causing bleeding injury. Petitioner No.2, Suraj Sharma and co-accused, Dipu Sharma are said to have assaulted the informant by means of rod on her right hand causing fracture injury.



Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that specific allegation of assault is against petitioner no.1, Vijay Chandra Sharma, but the injury sustained by the informant is simple in nature. It is further submitted that petitioner no.2, Suraj Sharma is said to have assaulted the informant on non-vital part of her body, but the injury is grievous in nature.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Considering the fact that petitioner no.2, Suraj Sharma is said to have assaulted the informant on her right hand by means of rod causing fracture injury, I am not inclined to grant anticipatory bail to petitioner no.2, Suraj Sharma. Accordingly, the prayer for anticipatory bail of petitioner no.2, Suraj Sharma is rejected.

Considering the fact that petitioner no.1, Vijay Chandra Sharma assaulted the informant by means of iron rod on her head causing simple injury, let petitioner no.1, namely, Vijay Chandra Sharma in the event of his arrest or surrender



before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Bagaha, West Champaran in connection with Bagaha (Pathkhauli) P.S. Case No.341 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

Sanjay/-

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

