

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45202 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- RAJNAGAR District- Madhubani

1. Pawan Sharma Son of Lal Thakur, R/o Village- Chichari Bujurg, P.S.- Rajnagar, District- Madhubani.
2. Sabita Devi Wife of Pawan Sharma, R/o Village- Chichari Bujurg, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kusum Rani, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 After some arguments, learned counsel for the petitioner seeks permission to withdraw the bail application with respect to petitioner no.1 namely, Pawan Sharma.

Permission is accorded.

Accordingly, the present bail application is dismissed as withdrawn with respect to petitioner no.1 namely, Pawan Sharma.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 141, 341, 323, 324, 308, 506 of the Indian Penal Code.



According to prosecution case, as per fardbyan of Pappu Sharma given in the Mitra Emergency Hospital, Darbhanga is that due to previous land dispute, Pawan Sharma, Savita Devi, Ajay Sharma, Anchal Kumari, Preeti Kumari came with common intention and started digging a pitch on the way to his house and thereby obstructed the passage. On query, all of them attacked and assaulted him and when his son Dev Kumar came for their rescue then Pawan Kumar Sharma assaulted his son on the head by wood and Savita Devi assaulted her son by iron tengari on the head due to which his son sustained head injuries and he started to bleed.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Rajnagar P.S. Case No. 76 of 2022. He further submits that it appears from the F.I.R. that there is specific allegation against co-accused namely Pawan Kumar Sharma who assaulted the son of the informant. He further submits that there is no allegation of any assault or overt act against the petitioner and there is general and omnibus allegation against the petitioner.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rajnagar P.S. Case No. 80 of 2022, corresponding to G.R. No. 524 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

mdrashid/-

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

