

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58819 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- UPHARA District- Aurangabad

1. RAM VINOD SINGH @ RAM VINOD SHARMA Son of Late Bhola Singh
 2. Ram Vinay Sharma Son of Late Bhola Singh
 3. Ramadhar Sharma Son of Late Bhola Singh
 4. Ranjeet Sharma @ Ranjit Kumar Son of Ramadhar Sharma
- All are Resident of Village - Mahesh Parasi, P.S. - Uphara, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, A.P.P.
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioners, the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 379, 448 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

The informant alleges that on 31.05.2021 at 10:30 p.m while he along with his family members were taking dinner then the accused persons entered into his house. It is next alleged that Ram Vinod Singh (petitioner no. 1) and Ramadhar Sharma (petitioner no. 3) caught hold the son of the petitioner when Asha



Devi assaulted him on his head by Fasuli (a sharp edged weapon), thereafter, it is alleged that the accused persons also assaulted the informant and his family members.

Learned counsel for the petitioners submits that specific allegation of assault is on Asha Devi and as far as petitioner no. 1 and 3 are concerned they are only alleged to have caught hold the son of the informant. It is next submitted that as far as petitioner no. 2 and 4 are concerned the allegation against them is general and omnibus in nature.

Learned A.P.P. and learned counsel for the informant opposed the prayer for anticipatory bail and submits that no doubt specific allegation of assault is against Asha Devi but then it was Ram Vinod Singh and Ramadhar Sharma who caught hold the son of the deceased which facilitated the assault by Asha Devi or else it would have been difficult for a woman to assault a male on such a vital part of the body.

Learned counsel for the petitioners rebuts the submission of the learned counsel for the informant and submits that petitioners no. 1 and 3 are senior citizens and are aged about 68 and 69 years. It is next submitted that from the side of the petitioners also Uphara P.S. Case No. 27 of 2021 has been instituted by petitioner no. 1. It is next submitted that the allegation of holding the son of the informant is ornamental in



nature when specific allegation of assault is on Asha Devi.

Considering the submissions made by the learned counsel for the petitioners, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners no. 1 and 3, hence, their prayer for anticipatory bail is refused.

However, in the event if the petitioners no. 1 and 3 surrender in the learned court below by 28.07.2022 then the learned court below considering their age and the nature of allegation will dispose of the case on the same day in accordance with law.

As far as petitioners no. 2 and 4 are concerned, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees 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 Uphara P.S. Case No. 26 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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