

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64804 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- RAFIGANJ District- Aurangabad

1. BIMAL SHARMA, Son of Late Ram Jatan Sharma Resident of Village Thakurar, P.S. - Rafiganj, District - Aurangabad (Bihar).
2. Ranjan Sharma, Son of Bimal Sharma Resident of Village Thakurar, P.S. - Rafiganj, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65653 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- RAFIGANJ District- Aurangabad

1. PINTU SHARMA Son of Kamlesh Sharma Resident of Village - Thakurar, P.S. - Rafiganj, District - Aurangabad.
2. Seth Sharma @ Ajeet Sharma Son of Kamlesh Sharma Resident of Village - Thakurar, P.S. - Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64804 of 2021)

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

(In CRIMINAL MISCELLANEOUS No. 65653 of 2021)

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-05-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in both Cr. Misc. applications.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.



Petitioners, in both the Cr. Misc. applications, seek bail in connection with Rafiganj P.S. Case No. 134 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and later on Section 302 of the IPC was added.

According to prosecution case, on 12.05.2021 at about 10:00 P.M, the informant's son, Pawan Sharma, had gone to attend a Tilak Ceremony where he was brutally assaulted by the accused persons including the petitioners herein. After knowing about this incidence, the informant, Ram Raj Sharma, (father of Paswan Sharma) went there. On questioning, the accused persons started abusing him. When he objected, the accused persons who were having lathi-danda, sharp weapon and pistol in their hands started assaulting him. Seth Sharma and Anuj Sharma gave khanti blow on his hand as such he sustained injury on his hand. It is further stated that all the accused persons including the petitioners attached him and his son with lathi-danda and sharp weapon due to which they sustained severe injury on their person. Informant further stated that due to previous enmity, the accused persons assaulted him and his son.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submitted that from perusal of FIR, it appears that there is general and omnibus allegation against all the accused persons including the petitioners. There is no specific allegation of assault or overt act against any of the petitioners. He further submits that the allegations against the petitioner does not support the post-mortem report.

Vide order dated 25.04.2022, report was called and Report dated 29.04.2022 reveals that the case is pending for framing of charge and the petitioners in both the Cr. Misc. applications are in custody since 24. 09.2021 and 17.09.2021 respectively.

The learned Additional Public Prosecutor as well as learned counsel for the informant vehemently opposed the prayer of bail and learned counsel for the informant submits that there is direct allegation against the five persons including the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named in both Cr. Misc. applications, 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 Chief



Judicial Magistrate, Aurangabad, in connection with Rafiganj
P.S. Case No. 134 of 2021, subject to the 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 tamper 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 all the petitioners and in case at any stage, it is found that the petitioners have concealed their 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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