

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14260 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

1. Birendra Sharma @ Birendra Lohar Son of Late Shivmurat Sharma R/O Village- Akhalaspur, P.S.- Bhabua, District- Kaimur at Bhabua
2. Arvind Sharma, Son of Birendra Sharma @ Birendra Lohar R/O Village- Akhalaspur, P.S.- Bhabua, District- Kaimur at Bhabua
3. Amit Sharma, Son of Birendra Sharma @ Birendra Lohar R/O Village- Akhalaspur, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Bhabhua P.S. Case No. 617 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 34 of the Indian Penal Code. They have no criminal antecedent.

As per the prosecution story, the petitioners entered into an altercation with the informant due to a land dispute and the petitioners have armed with Lathi-Garasa and Spade inflicted injuries to Vijay Sharma and Mahendra Sharma. It is also alleged that the petitioners snatched away mobile phone



and gold chain.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are the nephews of the informant and there is no specific allegation against them. It is also submitted that four co-accused have already been granted privilege of pre-arrest bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 74719 of 2022

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

Having regard to the facts and circumstances of the case, the submission that these petitioners are the nephews of the informant, there is no specific allegation against them, four co-accused have been granted privilege of pre-arrest bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 74719 of 2022 and that the parties have entered into a compromise, let the petitioners who have otherwise no criminal antecedents, in case of their arrest or surrender, be released on bail in connection with Bhabhua P.S. Case No. 617 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at



Bhabhua, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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