

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13736 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- BAHERA District- Darbhanga

1. Renu Devi Wife Of Mahesh Sharma R/O Village - Balnee, P.S.- Bahera, District - Darbhanga.
2. Mahesh Sharma Son Of Late Sukan Sharma R/O Village - Balnee, P.S.- Bahera, District - Darbhanga.
3. Chunchun Sharma @ Krishna Kumar Sharma Son Of Mahesh Sharma R/O Village - Balnee, P.S.- Bahera, District - Darbhanga.
4. Lal Mohan Sharma Son Of Mahesh Sharma R/O Village - Balnee, P.S.- Bahera, District - Darbhanga.
5. Shiv Mohan @ Vishwa Mohan Sharma Son Of Mahesh Sharma R/O Village - Balnee, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar
For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
308, 354, 379 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioners along
with other accused persons assaulted the informant and his
family members.

Learned counsel for the petitioners submits that no



such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. He submits that from perusal of the injury report it appears that the injuries are simple in nature as enclosed in Annexure-2 to the bail application. He further submits there is delay of six days in lodging the FIR and there is no explanation regarding the delay, which creates serious doubt on the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is delay in lodging the FIR and the injury was found simple in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned lower Court where the case is pending/successor Court in connection with



Bahera P.S. Case No.215 of 2022, G.R. No. 183 of 2022,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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