

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30881 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- PUWAKHALI District- Kishanganj

1. DILIP SHARMA SON OF DHURI LAL SHARMA @ CHHARI LAL SHARMA R/O VILLAGE- L.R.P. CHOWK, POWAKHALI, P.S.- POWAKHALI DISTRICT KISHANGANJ
2. SANOKHA DEVI @ SONAKAH DEVI WIFE OF DILIP SHARMA R/O VILLAGE- L.R.P. CHOWK, POWAKHALI, P.S.- POWAKHALI DISTRICT KISHANGANJ
3. BASANT SHARMA SON OF DILIP SHARMA R/O VILLAGE- L.R.P. CHOWK, POWAKHALI, P.S.- POWAKHALI DISTRICT KISHANGANJ
4. ANAND SHARMA SON DILIP SHARMA R/O VILLAGE- L.R.P. CHOWK, POWAKHALI, P.S.- POWAKHALI DISTRICT KISHANGANJ
5. KALIYA SHARMA @ BIKAS SHARMA SON OF DILIP SHARMA R/O VILLAGE- L.R.P. CHOWK, POWAKHALI, P.S.- POWAKHALI, DISTRICT- KISHANGANJ

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar
For the State	:	Mr. Dr.Mrityunjaya Kr.Gautam
For the Informant	:	Mr. Sunil Kumar
		Mr. Pankaj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 354B, 379, 504 & 506/34 of the Indian Penal Code.

3. All the F.I.R. named accused including these petitioners are said to have assaulted and abused the informant



and his family members. During the course of scuffle, the accused petitioners also outraged the modesty of the informant's mother and disrobed her.

4. It is submitted by learned counsel for the petitioners 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. As a matter of fact, the informant loved the daughter of petitioner no.1 but he was not ready to marry with the informant due to this reason this false and fabricated case has been lodged against the petitioners and others. There is inordinate and abnormal delay of seven days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP assisted by learned counsel for the informant vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, 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 Pauwakhali P.S. Case No.10 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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