

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37946 of 2023

Arising Out of PS. Case No.-576 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Shib Narayan Sharma @ Shiv Narayan Sharma Son of Ram Prasad Sharma R/o Village - Naya Tola, Bhaura (Bhoura), Ward No.- 1, P.S.- Bakhtiyarpur, District - Saharsa.
 2. Srikant Kumar @ Raja Son of Shib Narayan Sharma @ Shiv Narayan Sharma R/o Village - Naya Tola, Bhaura (Bhoura), Ward No.- 1, P.S.- Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Madhav Jha, learned counsel for the petitioners and Dr. Mrityunjaya Kumar Gautam, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bakhtiyarpur P.S. Case No. 576 of 2022 registered for the offences punishable under Sections 448, 341, 323, 324, 354, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, while the informant was in his Mill, in the meanwhile, all the FIR named accused persons including the petitioners armed with *lathi*, *danda*, iron rod, sword and dagger came there and started abusing and threatened to close the Mill. Apart from other allegation, it is also alleged that petitioner no.1 Shiv Narayan Sharma, gave iron rod blow on the head of the



informant causing injury in his foot whereas petitioner no.2 gave dagger blow on Prashant Kumar causing injury in his left elbow.

4. Learned counsel for the petitioners submits that from narration of the FIR, it appears that the occurrence took place on 31.10.2022, however, the FIR has been registered on 02.11.2022 without giving plausible explanation for the said delay. He further submits that even as per the FIR and the injury attributed to the petitioners, the same are found to be simple in nature. In support of the aforesaid averment, the petitioners have brought on record the injury report, which has annexed to the bail petition as contained in Annexure-3. He next submits that there is a counter version of the present case being Bakhtiyarpur P.S. Case No. 586 of 2022, registered by petitioner no.1. He lastly submits that on account of a petty dispute, a scuffle took place in which persons of both sides suffered injury as would be evident from the aforenoted Bakhtiyarpur P.S. Case No. 586 of 2022. While concluding his submission, he lastly submits that the petitioners bear fair antecedent and they undertake that they will fully cooperate in the investigation/trial and will not indulge in intimidating the witnesses or committing such type of crime in future.



5. On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation has been levelled against both the petitioners that they assaulted the informant and his family members causing serious injury to them.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the injury attributable to the petitioners are simple in nature, apart from the counter version of the present case and delay in lodging of the FIR, coupled with the fair antecedent, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, in connection with Bakhtiyarpur P.S. Case No. 576 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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