

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40828 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- BALIA BELON District- Katihar

1. TARA SHARMA @ TERA SHARMA S/o Late Manglu Sharma R/o Jalkar Baluganj, Ramnagar P.S.-Balial Belon, Distt-Katihar
2. TARJAN DAS @ PRAKASH DAS @ PRAKASH CHANDRA DAS S/o Late Pancham Das R/o Jalkar Baluganj, Ramnagar P.S.-Balial Belon, Distt-Katihar
3. BIRENDRA SHARMA S/o Late Gunal Sharma @ Gunai Sharma R/o Jalkar Baluganj, Ramnagar P.S.-Balial Belon, Distt-Katihar
4. AMOL DAS S/o Late Panchanand Das R/o Jalkar Baluganj, Ramnagar P.S.-Balial Belon, Distt-Katihar
5. AJAY SHARMA S/o Tera Sharma @ Tara Sharma R/o Jalkar Baluganj, Ramnagar P.S.-Balial Belon, Distt-Katihar
6. DEHELU SHARMA @ DHELU SHARMA S/o Jamma Sharma R/o Jalkar Baluganj, Ramnagar P.S.-Balial Belon, Distt-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Ms. Diksha Kumari, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Ms. Diksha Kumari, learned counsel for the
petitioners and learned APP for the State.

The petitioners are accuseds in connection with Balial
Belon P.S. Case No. 40 of 2023 registered for the offences under



sections 147, 148, 149, 341, 323, 307, 332, 333, 504, 506, 120(B), 427, 354 and 379 of the Indian Penal Code lodged on 18.03.2023 by the informant, Prasenjit Kumar Mishra.

As per the prosecution story, around 150 persons forming unlawful assembly gathered at the police station and wanted Bangru Sharma and his family to come out of the premises and when the police intervened, allegation is that the police officials were assaulted which included female police persons.

Learned Counsel for the petitioners submit that from the FIR itself, it is clear that 150 persons were rounded off and the police on their whims named each and every individual which included these petitioners.

Further, save and except petitioner no. 5, Ajay Sharma all others do not have criminal antecedent. The last submission is that they have already suffered by being in custody since 20.03.2023 (as stated in paragraph 20 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is assault on the police officials.

Taking into account the submissions put forward by Ms. Diksha Kumari as also the period of custody and there is omnibus allegation against 150 persons, this Court is inclined to



extend them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Balia Belon P.S. Case No. 40 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.



With the aforesaid observations, the bail application is allowed.

Before parting, the Court would like to put on record its word of appreciation for Ms. Diksha Kumari, learned counsel for the petitioner for proper rendered in the matter.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

