

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39587 of 2023**

Arising Out of PS. Case No.-140 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Arjun Sharma, Son of Pashupati Sharma, Resident of village - Gohi, P.S. - Warisnagar, Distt. - Samastipur.
2. Prahlad Sharma, Son of Arjun Sharma, Resident of village - Gohi, P.S. - Warisnagar, Distt. - Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                    |
|--------------------|---|------------------------------------|
| For the Petitioner | : | Mr. Bijay Bhushan Prasad, Advocate |
| For the State      | : | Mr. Shyam Kumar Singh, APP         |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      06-09-2023                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Warisnagar P.S. Case No. 140 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 354(B), 379, 504, 506 of the Indian Penal Code. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that the allegations against the petitioners are that petitioner no. 1 caught hold of the informant with bad intention and started pressing her mouth and petitioner no. 2 assaulted the mother-in-law of the informant causing injury on her left cheek.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. It is submitted that the parties are neighbours and they are regularly indulging in quarrels.

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

6. Having regard to the facts and circumstances of the case wherein learned APP for the State has informed this Court after going through the case diary that in course of investigation, it has come through independent witnesses, namely, Md. Harun Ansari, Baleshwar Ram, Shivjee Ram and Umesh Ram in the case diary that in fact both the parties are living in front of each other and they are regularly indulging in quarrels because petitioner no. 2, namely, Prahlad Sharma has married the wife of the younger brother of Dinesh Thakur, some of the witnesses have also stated that they had reached at the place of occurrence at the time of quarrel and they have further stated that Pashupati Sharma, Ramdhani Devi and some others were not present at the place of occurrence, in the nature of the materials present in the case diary, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Warisnagar P.S. Case No. 140 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 Incharge Chief Judicial Magistrate, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

9. Let the case diary be returned to the court below.

**(Rajeev Ranjan Prasad, J)**

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