

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43001 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- ROSERA District- Samastipur

1. VINAY KUMAR SHARMA SON OF LATE SANTOSH SHARMA
RESIDENT OF VILLAGE- MIRZAPUR, WARD NO. 11, PS- ROSERA,
DISTT- SAMASTIPUR
2. RAJESH KUMAR SHARMA @ RAJESH SHARMA SON OF LATE
SANTOSH SHARMA RESIDENT OF VILLAGE- MIRZAPUR, WARD
NO. 11, PS- ROSERA, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 337, 307, 325, 379, 504, 354 and 447 of the IPC.

3. As per the prosecution case, petitioner no.1 is said to have torn the cloth of the informant and snatched gold chain and also is said to have assaulted the son of the informant by means of *paghadia* and petitioner no.2 is said to have assaulted the son of the informant on his elbow by means of iron rod.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that there is an admitted land dispute between the parties and there is case and counter-case between them. One of the injury of the son of the informant was found simple in nature and one was grievous, which is alleged to have been inflicted by the petitioner no.2. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, since one of the injury of the son of the informant, which is alleged to have been inflicted by the petitioner no.2 is grievous in nature, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on behalf of petitioner no.2 is hereby rejected.

7. However, since the injury inflicted by the petitioner no.1 is simple in nature, let the above named petitioner no.1, be released on bail, in the event of his 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) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/Successor Court in connection with Rosera P.S. Case No.21 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. This application is partly allowed.

(Anjani Kumar Sharan, J)

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