

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48218 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- BIHARIGANJ District- Madhepura

Sanjay Sharma @ Sanjay Kumar Sharma S/O Rajendra Sharma R/O Village-
Sarauni Kala, Ward No. 11, P.S. Bihariganj, Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mr. Rupesh Kumar, learned counsel for the

petitioner and Mr. Md. Ataur Rahman, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with Bihariganj P.S. Case No. 161 of 2022, F.I.R. dated 24.06.2022 registered for the offences punishable under Section 147, 148, 149, 447, 448, 341, 323, 324, 307, 302, 427, 379, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 22.06.2022 at about 10:00 O'clock accused persons including the petitioner along with 20-25 unknown miscreants by constituting unlawful assembly came at the door of informant and started abusing to the informant and on order of co-accused Suresh Sharma and Rajendra Sharma the accused persons



started demolishing the dwelling house of the informant and when the father of the informant namely Visheshwar Sharma forbade the accused persons from doing that act, co-accused Suresh Sharma assaulted with Dabiya causing cut injury at the stomach of Visheshwar Sharma and co-accused Amit Sharma also assaulted to Visheshwar Sharma with rod causing severe injury and he fell to the ground. It is further alleged that when the brother and nephew of the informant came to save then all the accused persons brutally assaulted them causing severe injury and also loot-paat of house house-hold articles as well as jewellery in huge quantity and a cash of Rs. 3,00,000/- by entering into the house of informant. After this, the injured carried to PHC Bihariganj and subsequently the injured referred from Bihariganj to Sadar Hospital, Madhepura and later on injured Visheshwar Sharma succumbed to death during course of treatment. Another injured Umesh Sharma is struggling with his life and death.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is general and omnibus allegation against the petitioner and there is specific allegation



against co-accused persons namely Amit Sharma and Suresh Sharma who have assaulted with Dabiya to the father of the informant and he has received injury and during treatment he has died. He further submits that there is specific allegation against the petitioner and others that they have assaulted to the Umesh Sharma and Dilip Sharma but there is no injury report on record which suggests that the Umesh Sharma and Dilip Sharma has received any injury and co-accused person namely Phulchand Sharma against whom also general and omnibus allegation has been granted anticipatory bail vide order dated 20.03.2023 passed in Cr. Misc. No. 68304 of 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner but fairly submits that there is no injury report available on record to suggest that the petitioner has assaulted to Umesh Sharma and Dilip Sharma.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VIII, Madhepura in connection with Bihariganj



P.S. Case No. 161 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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