

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47856 of 2022

Arising Out of PS. Case No.-98 Year-2020 Thana- MAHISHI District- Saharsa

1. Indradev Sharma @ Inardev Sharma Son of Late Bouku Sharma Resident of Village - Birwar, P.S.- Mahishi, District - Saharsa.
2. Sintu Sharma Son of Ramvinay Sharma Resident of Village - Birwar, P.S.- Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioners and the State through video conferencing in view of the Covid-19.

The petitioners are apprehending arrest in connection with Mahishi P.S. Case No. 98 of 2020 instituted under Sections 447, 341, 323, 307, 354, (B) 379, 504, 34 of the Indian Penal Code.

As per the prosecution story, the accused, Ram Vinay Sharma was on the road when the informant's wife requested him to pay the amount for the goods that he had taken from her shop. On this, the accused became infuriated and later with other family members, assaulted the informant side. The allegation against the petitioner No. 1 is that he gave order



whereafter the petitioner No. 2 assaulted the informant with rod. So far as the petitioner No. 1 is concerned, the allegation against him is of assaulting the informant's son on his head.

Learned counsel for the petitioners submit that both the injuries have been found to be simple in nature. Further, both the petitioners do not carry any criminal antecedent and lastly in view of the fact that the informant has got some injury, without accepting the allegation and/or the outcome of the present petition, the petitioners are ready to pay Rs. 15,000/- each to the two injured totaling Rs. 30,000/- through bank draft issued by the local State Bank of India branch to be deposited in the 'Nazarat' of the concerned Court and to be handed over to the concerned informant after checking the credential. It is the further submission that they are ready to abide by the terms and conditions imposed if granted relief.

Learned APP on the other hand submits that there has been allegation of assault on the informant side and as such they do not deserve relief.

Taking into account the fact that the two petitioners do not have any criminal antecedents, the injuries have been found to be simple in nature, they are ready to abide by the terms and conditions put forward in the matter and further will



be visiting the concerned police station every fortnight for six months to mark their attendance, this Court is inclined to grant them relief subject to payment of Rs. 30,000/- to the informant, as stated above.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Mahishi P.S. Case No. 98 of 2020 to the satisfaction of learned ACJM II Saharsa subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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