

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51619 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- VIJAYEPUR District- Gopalganj

1. CHHOTE LAL SHARMA, S/o Tilak Sharma, Resident of Village- Chaumukha, P.S.- Vijaypur, District- Gopalganj.
2. HARKESH SHARMA @ HARIKESH SHARMA, S/o Tilak Sharma Resident of Village- Chaumukha, P.S.- Vijaypur, District- Gopalganj.
3. KUNDAN SHARMA, S/o Nand Lal Sharma, Resident of Village- Chaumukha, P.S.- Vijaypur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Vijaypur P.S. Case No. 109 of 2022 registered for the offences punishable under Sections 341, 323, 307 and 379 read with Section 34 of the Indian Penal Code.

As per the prosecution case, due to some petty



dispute regarding accident between the nephew of the informant and the petitioners, the co-accused Jigan Sharma gave a *farsa* blow on the head of the informant as a result of which he got injured severely. In the meantime, the petitioners also came there and started assaulting him and when Ramdhar Yadav came to rescue him, then the petitioners and other accused persons also assaulted him and snatched his golden chain worth Rs. 40,000/-.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the specific allegation of giving *farsa* blow is against the co-accused person Jigan Sharma. There is general and omnibus allegation against the petitioners. Learned counsel has further submitted that the petitioner no. 1 is accused in six other criminal cases and he is on bail in all such cases and the petitioner no. 2 is also accused in five other criminal cases and he is on bail in all such cases whereas the petitioner no. 3 has got no criminal antecedent as stated in para 2 of the supplementary affidavit filed on behalf of the petitioners.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners. He has further



submitted that the injury sustained by the informant is grievous in nature which is on the vital part of the body.

Considering the aforesaid facts and circumstances of the case and the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gopalganj in connection with Vijaypur P.S. Case No. 109 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

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

