

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60965 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- BASOPATTI District- Madhubani

1. Pramod Sharma S/O Late Rameshwar Thakur R/O Village- Basopatti, Ps. Basopatti, Dist. Madhubani
2. Nirmal Sharma S/O Pramod Sharma R/O Village- Basopatti, Ps. Basopatti, Dist. Madhubani
3. Ragni Devi @ Ragani Sharma W/O Pramod Sharma R/O Village- Basopatti, Ps. Basopatti, Dist. Madhubani
4. Khushi Kumari D/O Pramod Sharma R/O Village- Basopatti, Ps. Basopatti, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Anish Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Basopatti P.S. Case No. 97 of 2023 dated 02.05.2023, instituted for the offence punishable under Sections 323, 341, 354(B), 379, 308, 504, 506, 34 of the Indian Penal Code and $\frac{3}{4}$ D.P. Act.

3. The prosecution case, in short, is that on 30.04.2023 at 09:00 pm. There was marriage function of Rajeshwar Thakur which was also attended by the informant. Pramod Sharma, Nirmal Sharma, Ragini Devi, Khushi Kumari



were also there. Ragini told her as “Dian has come” when she made protest then all of them started abusing her. When the informant was alone at her house on the next day then all the abovesaid persons armed with weapons came at her house and entered the courtyard of her house. It is further alleged that Pramod Sharma instigated as to assault the Dian and then Nirmal Sharma attacked with a *farsa* on the head of informant with an intention to kill her. Pramod sharma assaulted the informant by rod and tore her saree and blouse and Khushi Kumari snatched her jewellery.

4. Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that from perusal of F.I.R, it appears that the date of occurrence was on 30.04.2023 but the F.I.R was lodged on 02.05.2023 after lapse of two days without giving any valid explanation. It is next submitted that petitioners and the informant are gotiya and due to dirty village politics, the petitioners have been made accused in this case. It is further submitted that from perusal of the injury report of the informant namely, Uma Devi, the doctor has found the nature of injury simple caused by hard and blunt substance. Learned counsel further submitted that the matter has been settled between the



parties due to intervention of well wishers, friends and relatives of both the parties. It is further submitted that the informant and accused sides also filed a joint petition before the learned Additional Sessions Judge- Vth, Madhubani in A.B.P. No. 1046 of 2023 but the same was rejected on 06.07.2023. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Basopatti P.S. Case No. 97 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Madhubani, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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