

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61810 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- AANDAR District- Siwan

1. Shankar Sharma S/O Late Rajendra Sharma R/O Vill.- Usari Khurd, P.S.- M.H. Nagar, District- Siwan
2. Chandan Sharma S/O Late Rajendra Sharma R/O Vill. Usari Khurd, P.S.- M.H. Nagar, District- Siwan.
3. Shekhar Sharma S/O Shankar Sharma R/O Vill. Usari Khurd, P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Raghav Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Ajay Kumar Pandey, learned counsel appearing on behalf of the petitioners and Mr. Raghav Prasad, learned counsel representing the informant. Learned Additional Public Prosecutor for the State is also present.

2. The three petitioners are apprehending their arrest in connection Andar (M.H. Nagar) P.S. Case No. 147 of 2023, registered for the offences punishable under Section 341, 323, 307, 379, 504/34 of the Indian Penal Code.

3. Allegedly all the named accused persons including the petitioners attacked on the informant. The petitioners



Shekhar Sharma and Chandan Sharma caught hold the informant, whereupon co-accused Sopan Sharma assaulted him by knife over his chest causing serious injury. It is further alleged that petitioner no. 1 Shankar Sharma snatched the golden chain and fled away.

4. It is submitted on behalf of the petitioners that both the parties are co-villagers and so far the allegation against the petitioner nos. 2 & 3 is concerned, the same is of catching hold of the informant. Further, so far the injury caused to the informant by means of knife is concerned, the same has been attributed to co-accused Sopan Sharma, who is not before this Court. He next drew the attention of this Court to the injury report, which is marked at Annexure-2 to the writ petition and with reference thereto he submits that the solitary injury which is found over the body of the informant is simple in nature. He also submits that though the occurrence took place on 08.07.2023, but the F.I.R. has been instituted on 10.07.2023, and the delay has not been explained.

5. On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that from the F.I.R., it is evident that the petitioner nos. 2 & 3, caught hold the informant and thereafter the co-accused



assaulted him by means of knife and thus, they have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation specifically alleged against the petitioners as also coupled with the injury which is found to be simple in nature, let the petitioners abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 J.M. 1st Class, Siwan in connection with Aandar (M.H. Nagar) P.S. Case No. 147 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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