

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64405 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Kapileshwar Sharma S/O Late Tiro Sharma R/O Village- Sonpura Bariyarpur, Ps. Bakhtiyarpur (BALWAHAT Op), Dist. Saharsa
 2. Chhotu Sharma S/O Late Upendra Sharma R/O Village- Sonpura Bariyarpur, Ps. Bakhtiyarpur (BALWAHAT Op), Dist. Saharsa
 3. Sanjay Sharma S/O Late Upendra Sharma R/O Village- Sonpura Bariyarpur, Ps. Bakhtiyarpur (BALWAHAT Op), Dist. Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that there is a typographical error in P.S. Case Number in prayer portion of the petition. The year of P.S. Case Number has wrongly been typed as '2023' in place of '2022'. Learned counsel for the petitioners seek permission to correct the year of P.S. Case Number in prayer portion of the petition in course of the day. Permission is granted.

3. The petitioners apprehend arrest in connection with Simari Bakhtiyarpur (Balwahat OP) P.S. Case No. 58 of 2022 dated 20.02.2022, instituted for the offence punishable under



Sections 341, 323, 324, 325, 354, 307, 379, 504, 506/34 of the Indian Penal Code.

4. The prosecution case, in short, is that on 09.02.2022 at about 02:00 pm, when the informant was returning to his home after selling the milk, reached near his house, petitioner no. 1 allegedly surrounded and abused him and told to give possession of the land as he had been in possession over the land for 30 years. It is further alleged that petitioner no. 1 allegedly started assaulting the informant with iron rods causing injury. On alarm other accused person petitioner no. 2 allegedly hurled *farsa* blow over one Bechan Yadav causing head injuries due to which he became unconscious and fell down. While one Satyanarayan Yadav came to rescue him, petitioner no. 3 hurled iron rod blow below his thigh causing injuries.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that present case has been lodged on 20.02.2022 after lapse of 11 days of the occurrence without any plausible explanation. Learned counsel for the petitioners submits that petitioners' side has also filed a case bearing SC/ST P.S. Case No. 05 of 2022 dated 17.02.2022 much



before filing the present case for the offence punishable under Sections 147, 149, 447, 341, 323, 354(B), 324, 504, 379 and 506 of the Indian Penal Code and Sections 3(1), (r), (s), (g) (w) of the prevention of SC/ST Act. The said case has been lodged by one Ramwati Devi wife of petitioner no. 1 against the informant and his other family members. It is submitted that injuries received by the informant side are simple in nature. Lastly, it has been submitted that they have no criminal antecedents.

6. Learned A.P.P. has opposed the prayer for bail of the petitioners.

7. 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 petitioners in connection with Simari Bakhtiyarpur (Balwahat OP) P.S. Case No. 58 of 2022, 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 Chief Judicial Magistrate, Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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