

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60275 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SUGAULI District- East Champaran

1. BHOLA SHARMA Son of Bikau Sharma R/V- Sugauli Naika Tola, P.S- Sugauli, Dist- East Champaran
2. Suraj Sah Son of Late Bhuvar Sah R/V- Sugauli Naika Tola, P.S- Sugauli, Dist- East Champaran
3. Uma Devi Wife of Late Bhuvar Shah R/V- Sugauli Naika Tola, P.S- Sugauli, Dist- East Champaran
4. Manoj Sah Son of Shri Sah R/V- Sugauli Naika Tola, P.S- Sugauli, Dist- East Champaran
5. Raushan Yadav @ Raushan Rai Son of Jaimangal Rai R/V- Sugauli Naika Tola, P.S- Sugauli, Dist- East Champaran
6. Laloo Sharma Son of Bhola Sharma R/V- Sugauli Naika Tola, P.S- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Sugauli P.S. Case No. 502 of 2021 instituted under Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.

As per the prosecution story, the allegation is that while the informant was sitting at the door, the named accused



persons arrived there and specific allegation is that Sandeep gave 'khariya' blow to his son. Meanwhile, his elder son Lal Babu came and he hit his head. Further, allegation is against Munna Sah that he gave rod blows as well as on Dheeraj Sah who gave knife blow, as a result, the informant's son became completely injured. Thereafter, omnibus allegation is against accused persons of assault and further specific allegation is against Bikau of using 'bhala' on his son, Lakshmi.

Accordingly, the FIR.

Learned counsel for the petitioners submit that from the FIR itself, it is clear that the specific allegation has been made against named accused.

So far as these petitioners are concerned, omnibus allegation are there and further submission is that accused Sandeep Sharma and Bikau Thakur against whom specific allegations were made, have since been extended the privilege of anticipatory bail vide Cr. Misc. No. 35549 of 2022 by a coordinate bench of this Court.

Learned APP on the other hand opposes the prayer of bail stating that allegation of assault is against all the accused persons.

Taking into account the aforesaid facts put forward by



the learned counsel for the petitioners as also the fact that the persons against whom grave allegations were there, have since been extended the privilege of anticipatory bail, this Court is also inclined to extend the privilege of anticipatory bail to these petitioners.

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 Sugauli P.S. Case No. 502 of 2021 to the satisfaction of learned C.J.M., Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make himself available to the police as and



when required;

(iv) except petitioner No. 3 who is a lady, the other petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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