

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72821 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- BANGAWON District- Saharsa

1. Rambharos Kumar @ Ram Bharosh Sharma @ Rambharosh Sharma, Male, aged about 33 years, S/O Shri Puran Sharma, R/O Village- Dholi, P.S- Bangaon, Distt.- Saharsa.
2. Balram Kumar @ Balram Sharma, Male, aged about 27 years, S/O Shri Puran Sharma, R/O Village- Dholi, P.S- Bangaon, Distt.- Saharsa.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Pramod Mishra, Advocate
For the Opposite Party	:	Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-11-2023 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.

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

3. The petitioners are apprehending their arrest in connection with Bangaon P.S. Case No. 64/2023 dated 07.06.2023 registered for the offence punishable under Sections 341, 323, 324, 325, 354A, 379, 504 and 506/34 of the I.P.C.

4. As per the prosecution case, the petitioners and co-accused are alleged to have assaulted the husband of the informant because the co-accused Sulena Devi snatched the



mobile of the informant's son due to which the informant's husband objected it. When the informant came to rescue her husband, she was also assaulted by the petitioner no. 1 by catching her hairs and tore her Saree with an intention to outrage her modesty. The co-accused Sulena Devi also assaulted the informant with Dabia's handle at her body. When the daughter of the informant came to rescue her mother, she was also assaulted by the petitioner no. 2 with an iron rod on her head. The petitioner no. 1 took out locket weighing about one bhar and they entered her house and took out cash of Rs. 50,000/- from the box and tried to misbehave with her. The petitioner no. 2 took out gold Chakti from her husband's neck. The co-accused Sulena Devi snatched gold ring from the ear of the informant.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It has been submitted by learned counsel for the petitioners that the occurrence took place on 19.05.2023 as to when the F.I.R. has been registered on 07.06.2023 i.e., after a delay of 18 days for which no explanation has been given by the prosecution. It has further been submitted that the co-accused persons Pooran Sharma and Sulena Devi have already



been granted anticipatory bail by the learned court below itself. The petitioners and the informant are neighbours and due to sudden provocation some hot exchange of words from both side took place. The petitioner no. 1 has one criminal antecedent in which he is on bail and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application.

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

7. Considering the aforesaid facts and circumstances of the case, 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 bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Saharsa in connection with Bangaon P.S. Case No. 64/2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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