

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72346 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- TRIVENIGANJ District- Supaul

1. Subhash Sharma @ Subhash Kumar @ Subhas Kumar, aged about 19 years, Male, Son Of Prabhu Sharma, Resident Of Village- Bhairpatti, P.S.Tribeniganj, District- Supaul.
2. Prabhu Sharma, aged about 68 years, Male, Son Of Lagte Bilat Sharma, Resident Of Village- Bhairpatti, P.S.Tribeniganj, District- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Arun, Advocate
For the Opposite Party	:	Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-11-2023 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 POCSO Case No. 60 of 2023, arising out of Tribeniganj P.S. Case No. 237 of 2023 dated 08.06.2023 registered for the offences punishable under Sections 354B, 341, 323, 324, 448, 308, 380/34 of the I.P.C. and Sections 8 and 17 of the POCSO Act.

4. As per the prosecution case, the petitioner no. 1 and



the co-accused Raj Kishore Shah entered the house of the informant and undressed and attempted to commit rape upon her minor daughter who was alone at the house. When the victim shouted for help, the informant and her family members reached for her rescue, saw both the accused persons holding the victim in naked condition. It has been further alleged that when the informant and her family members raised 'hulla' then 6 named persons alongwith the petitioner no. 2 armed with various weapons like lathi, dabia and rod assaulted the informant and her family members. The petitioner no. 2 assaulted with dabia on the head of the informant's husband causing head injury and other accused persons also assaulted the informant and her-in-law. They also looted household articles, grains, ornaments clothes property documents and cash of Rs. 2200/-.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. It is further submitted that there is land dispute between the informant and the co-accused Sanichari Devi who is full sister of the petitioner no. 2 due to that the entire family members of the petitioners have been implicated in the present case. From perusal of the impugned order, it appears



that the injuries on the persons of Deepnarayan Sharma @ Dipo Sharma and Fulchand Sharma were found to be simple in nature. There is no statutory compliance of Sections 53 and 164 of Cr.P.C. The petitioner no. 1 has clean antecedent and the petitioner no. 2 has two criminal antecedents 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, Supaul in connection with POCSO Case No. 60/2023, arising out of Tribeniganj P.S. Case No. 237/2023, 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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