

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76194 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- RAMNAGAR District- West Champaran

Aman Kumar Sharma @ Aman Sharma S/O Vijay Kumar Sharma Village
Dhobi Tola PS Ramnagar District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 76402 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- RAMNAGAR District- West Champaran

Vaibhav Sharma Son of Anil Kumar Sharma R/o vill - Dhobi Tola, P.s. -
Ramnagar, Distt. -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 76194 of 2023)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 76402 of 2023)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Since both the applications arise out of the same P.S.

Case, hence, with consent of the parties, they are taken up
together and disposed of by a common order.

2. Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest in connection



with Ramnagar P.S. Case No. 109 of 2023 registered for the offences punishable under Sections 447, 147, 149, 341, 323, 354B, 504, 506 and 308 of the Indian Penal Code and Section 12 of the POCSO Act.

4. Allegedly, on the eve of Holi, the petitioners along with 15-20 unknown miscreants in inebriated condition reached at the house of the informant and started abusing. The reason behind the said occurrence is said to be that earlier also the accused persons used to take intoxicant and indulged in eve teasing and when the protest was made, they started abusing and assaulting the informant, his minor sister, mother and other family members. There is specific allegation against the petitioner and one Golu Singh that they indecently misbehaved with the mother of the informant and torn her cloth. On information, the police arrived at the place of occurrence and seized two motorcycles and one mobile.

5. Learned counsel for the petitioners submits that from the FIR, it is evident that the occurrence took place on 08.03.2023 whereas the present FIR has been instituted on 11.03.2023. Moreover, in the said occurrence, none has sustained any injury and there is no discussion about the same in the impugned order. He further submits that there was some



dispute with regard to the Municipal Election and the petitioner and other accused persons were in support of some candidates with whom there was some rivalry with the family members of the informant, which led to filing of the present FIR. He next submits that even as per the allegation, on the alleged date of occurrence itself, on the information, the police reached at the place of occurrence but no FIR has been instituted, which falsifies the prosecution case. Had there been such occurrence taken place on the alleged date of occurrence, the FIR would have been definitely lodged on the same date i.e. on 08.03.2023 itself by the police personnel. He lastly submits that the petitioners bear no criminal antecedent and they undertake that they will cooperate in the investigation or in the proceeding of the Court.

6. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioners are indulged not only assaulting the informant and others but indecently misbehaved with his mother and minor sister.

7. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that despite the information given to the police and seizure of the motorcycles, no FIR has been instituted



against the petitioners and the same has been instituted belatedly after two days, the deliberation cannot be denied, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 7th cum Special Judge, POCSO Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 109 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further conditions:

(i) One of the bailors shall be the own/close family members of the petitioners.

(ii) If the petitioners would find indulge in intimidating the informant and his daughter and mother, the informant shall be at liberty to file a petition before the court below for appropriate action.

(Harish Kumar, J)

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