

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.751 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- BELDOUR District- Khagaria

1. NIRBHAY SHARMA Son of Late Mahendra Sharma @ Bhushi Sharma Resident of Village- Beldaur, P.S.- Beldaur, District- Khagaria
2. WAKIL SHARMA Son of Ayodhi Sharma Resident of Village- Beldaur, P.S.- Beldaur, District- Khagaria
3. JAGDAMBI SHARMA Son of Late Ram Sharma Resident of Village- Beldaur, P.S.- Beldaur, District- Khagaria
4. NARAYAN SHARMA Son of Ram Sharma Resident of Village- Beldaur, P.S.- Beldaur, District- Khagaria
5. RAJO SHARMA Son of Ram Sharma Resident of Village- Beldaur, P.S.- Beldaur, District- Khagaria
6. KULO SHARMA Son of Yadu Sharma Resident of Village- Beldaur, P.S.- Beldaur, District- Khagaria
7. RAJA SHARMA Son of Kulo Sharma Resident of Village- Beldaur, P.S.- Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioners, learned counsel for the informant
and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
19.07.2022 & 22.07.2022, in connection with Beldaur P.S. Case
No. 142/2022, F.I.R. dated 09.07.2022, registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 307



& 302 of the I.P.C.

According to prosecution case, all the F.I.R. named accused persons having armed with lathi and other weapons on the order of co-accused namely, Ranjan Raj assaulted the father of the informant, as a result of which, his father fell down then on the instruction of co-accused Ranjan Raj co-accused Ajit Sharma put a tractor upon his father. Thereafter Ranjan again told to kill the informant with his brother and upon which all the accused persons assaulted the informant and his brother by lathi and danda.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to previous admitted dispute. He further submits that from bare perusal of the F.I.R. it appears that there is general and omnibus allegation against the petitioners. The specific allegation is against co-accused persons, namely, Ranjan Raj and Ajit Sharma. He further submits that there is no specific allegation of any assault or overt act rather there is general and omnibus allegation against all the petitioners and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 19.07.2022 & 22.07.2022.



Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Sarbar Ansari, Judicial Magistrate 1st Class, Khagaria, in connection with Beldaur P.S. Case No. 142/2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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