

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7289 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- NAUHATTA District- Saharsa

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1. Rajendra Sharma Son Of Kaleshwar Sharma Resident Of Village - Shahpur, Ward No.7, P.S. - Nauhatta, District - Saharsa
 2. Surendra Sharma Son Of Jageshawar Sharma Resident Of Village - Shahpur, Ward No.7, P.S. - Nauhatta, District - Saharsa
 3. Ram Sharma @ Rama Sharma @ Ram Kumar Son Of Surendra Sharma Resident Of Village - Shahpur, Ward No.7, P.S. - Nauhatta, District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Chandra Mohan Jha, learned counsel

for the petitioners and Mr. Ajit Kumar, learned A.P.P. appearing

on behalf of the State.

2. Learned counsel for the petitioners seeks
permission to withdraw this application as against the petitioner
no.2, as he has already been arrested by the police, during
pendency of this application.

3. Permission is granted.

4. Accordingly, the instant application as against the
petitioner no.2 is dismissed as withdrawn.

5. Now, this application is being heard for



consideration of anticipatory bail as against the petitioner nos.1 & 3 only.

6. Heard Mr. Chandra Mohan Jha, learned counsel for the petitioners and Mr. Ajit Kumar, learned A.P.P. appearing on behalf of the State.

7. The petitioners (except petitioner no.2) are apprehending their arrest in connection with Nauhatta P.S. Case No. 224 of 223, F.I.R. dated 12.10.2023 for the offences punishable under Sections 341, 323, 324, 326, 307, 447, 379, 504, 506, 34 and 354A of the Indian Penal Code.

8. According to prosecution case, petitioners are said to have assaulted the informant and his family members.

9. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that due the perty dispute the present occurrence took place between the parties. He further submits that from perusal of the FIR it appears that there is specific allegation against the petitioner no.1 that he assaulted with the axe to the informant and petitioner no.3 has assaulted the informant with the *dabia* but injury report of the informant reveals that the informant received two injuries and both the injuries found to be sharp cut



but simple in nature.

10. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

11. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent and injuries received on the informant are found simple in nature, let the petitioner nos. 1 & 3, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No. 224 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 bonds 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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