

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8720 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. VIBHAWATI DEVI WIFE OF HARENDRA SHARMA
2. PANKAJ SHARMA @ PANKAJ KUMAR VISHWAKARMA SON OF HARENDRA SHARMA BOTH R/O-BILARUA, P.S.-VIJAYIPUR, DISTT.-GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-02-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Vijayipur P.S. Case no.259 of 2023 registered under sections 302, 307, 341, 323, 504, 337, 338 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that nine named accused persons including the two petitioners herein came and surrounded the informant and others. Krishna Sharma and Sanjay Sharma assaulted the informant's brother leading to serious injuries. Thereafter it is stated that on others including Subhawati Devi, Champa Devi, Kumari Laxmi and Atul Sharma coming to their rescue, they were assaulted by the



other accused persons including the petitioner no.2 herein. Thereafter the petitioner no.1 and others assaulted them with bricks etc.

4. Learned counsel for the petitioners submits that Sharmanand Vishwakarma died in course of treatment and section 302 of the Indian Penal Code was added. From the F.I.R., it would be evident that the specific allegation of assault on the deceased is against Sanjay Sharma and Krishna Sharma and not the petitioners herein. Though there is allegation against the petitioners of having assaulted others, the same is general and omnibus in nature. The injury report does not support the allegation of assault by so many persons. The petitioners are in custody since 26.8.2023 and have no criminal antecedent. Chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., there being no allegation on the petitioners having assaulted the deceased Sharmanand Vishwakarma, the allegations on the petitioners being general and omnibus in nature, them being in custody for about 6 months since 26.8.2023 and chargesheet having been submitted in the case, the Court directs both the



petitioners to be enlarged on bail in connection with Vijayipur P.S. Case no.259 of 2023 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. XIV, Gopalganj.

(Partha Sarthy, J)

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