

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16486 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- PAUTHU District- Aurangabad

-
1. Pawan Sharma @ Pawan Kumar S/o Surendra Sharma R/o Village- Sonvarsha, P.S.- Pauthu, Dist.- Aurangabad (Bihar)
 2. Mohan Sharma @ Munna Kumar S/o Siyaram Sharma R/o Village- Sonvarsha, P.S.- Pauthu, Dist.- Aurangabad (Bihar)
 3. Vishal Sharma @ Bipin Kumar S/o Mahesh Sharma R/o Village- Sonvarsha, P.S.- Pauthu, Dist.- Aurangabad (Bihar)
 4. Parma Yadav @ Parma Kumar S/o Satyendra Yadav R/o Village- Sonvarsha, P.S.- Pauthu, Dist.- Aurangabad (Bihar)
 5. Avinash Sharma @ Nitish Kumar S/o Late Kamlesh Sharma R/o Village- Sonvarsha, P.S.- Pauthu, Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 At the outset, learned counsel for the petitioners submit that during the pendency of the case, petitioner no. 1, Pawan Sharma @ Pawan Kumar has been arrested and as such, he seeks permission to withdraw the case against the petitioner no.1.

2. Permission accorded.

3. Accordingly the case against the petitioner no. 1 Pawan Sharma @ Pawan Kumar stands dismissed as infructuous.



4. Heard learned counsel for the petitioners and learned APP for the State.

5. The petitioner nos. 2 to 5 apprehend their arrest in connection with Pautha P.S. Case No. 80 of 2023 registered under Sections 147, 149, 341, 342, 323, 324, 353, 337, 338, 307 and 504 of the Indian Penal Code lodged on 22.06.2023 by the informant, PSI, Dharmendra Kumar.

6. As per the prosecution story, the informant alleged that upon secret information that a tractor is carrying illegal sand, intercepted. However, the driver managed to escape despite the police chased. As the sand loaded tractor was being taken to the police station, the unknown accused persons ensured that the same is not allowed to move and in the process also assaulted the police officials. Accordingly, the FIR.

7. Learned counsel for the petitioner submits that they being only villagers having no role to play, entire village has been rounded up, the tractor does not belong to either of the petitioner and none of the petitioner nos. 2 to 5 have criminal antecedent.

8. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners are ready to pay Rs. 5,000/- each totalling Rs.



20,000/- towards their contribution to the two lawyers who died on 13.03.2024 in the Civil Court premises in Patna due to transformer blast and the demand draft will be given in the name of District Legal Services Authority, Patna who shall in turn deliver two cheques of Rs. 10,000/- each to the family of the two victim lawyers died in the transformer incident.

9. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they prohibited the police from doing their duty.

10. Considering the submission of the parties and also that they do not have criminal antecedent, and/or is/are owner of the tractor, FIR Lodged and they will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 5,000/- each totalling Rs. 20,000/- which in turn the D.L.S.A., Patna shall deliver vide two cheques of Rs. 10,000/- each to the families of the two victim lawyers who died in the transformer incident, as stated above.

11. Let the petitioners no. 2 to 4, namely, Mohan Sharma @ Munna Kumar, Vishal Sharma @ Bipin Kumar, Parma Yadav @ Parma Kumar and Avinash Sharma @ Nitish Kumar in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on



anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Pauthu P.S. Case No. 80 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners no. 2 to 5 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners no. 2 to 5 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners no. 2 to 5 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners no. 2 to 5 shall desist from committing any criminal offence again failing which the State



shall be at liberty to take steps for cancellation of the bail bonds.

12. Let a copy of the order be sent to the President of
the Patna Civil Court Bar Association.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

