

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14743 of 2024

Arising Out of PS. Case No.-201 Year-2023 Thana- MUNGER MUFFASIL District- Munger

1.

Manish Sharma @ Manish Kumar Sharma Son Of Anuplal Sharma Village-Navtola Durgasthan Ps- Muffasil Dist- Munger
2.

Chhotu Kumar @ Chootu Kumar Son Of Abhimanyu Sharma Village-Navtola Durgasthan Ps- Muffasil Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 15097 of 2024

Arising Out of PS. Case No.-201 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Himanshu Kumar @ Himanshu Kumar Sharma Son of Anuplal Sharma R/o Village- Navtola, Durgasthan, P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14743 of 2024)

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 15097 of 2024)

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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12-03-2024

Heard Mr. Chandra Mohan Jha, learned counsel for the petitioners, Mr. Jitendra Kumar Singh, learned APP for the State in Cr. Misc. No. 14743 of 2024 and Mr. Chandra Mohan Jha, learned counsel for the petitioner and Mr. Anil Kumar, learned APP for the State in Cr. Misc. No. 15097 of 2024.



2. The petitioners are apprehending their arrest in connection with Muffassil P.S. Case No.201 of 2023, F.I.R. dated 10.06.2023 for the offences punishable under Sections 448, 341, 323, 307, 506, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the family members of the informant.

4. 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 the present case is a counter-blast of Muffassil P.S. Case No. 200 of 2023 filed by the brother of the petitioner, namely, Vidhanshu Sharma against the informant and his family members. He further submits that due to pity dispute the present occurrence has taken place and both the sides have received the injuries. He further submits that there is no specific allegation of any assault or overt act is attributed against the petitioners rather general and omnibus allegation against all the accused persons including the petitioners.

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

6. Considering the aforesaid facts and circumstances,



let the petitioners, 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 A.C.J.M.-II, Munger in connection with Muffassil P.S. Case No. 201 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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