

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22603 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- AWTARNAGAR District- Saran

1. Rajeshwar Sharma S/o Laxmi Sharma R/o Vill - Naya Tola, Haraji, P.S. - Awatarnagar, Dist. - Saran
2. Pankaj Kumar Sharma S/o Rajeshwar Sharma R/o Vill - Naya Tola, Haraji, P.S. - Awatarnagar, Dist. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mili Kumari

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. The learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner no.1 Rajeshwar Sharma.
3. Permission is accorded.
4. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 307 and 34 of the Indian Penal Code.
5. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely



implicated in the instant case by the informant. It is further submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that the informant alleges that on account of existing dispute, Rajeshwar Sharma along with his father Laxmi Sharma came to the shop of the informant and Rajeshwar Sharma caught him, while Laxmi Sharma assaulted him by knife causing injury in stomach. It is thus submitted that allegation of holding the informant is against Rajeshwar Sharma and of assaulting by knife is against Laxmi Sharma and the present petitioner is not even alleged to have been present at the place of occurrence when the occurrence is alleged to have taken place rather he has been implicated in the instant case merely because he is son of Laxmi Sharma.

6. Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel for the petitioner that Pankaj Kumar Sharma (Petitioner no.2) was not present at the place of occurrence when the occurrence is alleged to have taken place.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Awatarnagar P.S. Case No.126/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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