

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31262 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- SIMRI District- Darbhanga

1. Janki Devi Wife of Dinesh Sharma Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga
2. Rukmini Kumari D/o Dinesh Sharma Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga
3. Mithun Sharma Son of Dinesh Sharma Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga
4. Abhishek Sharma @ Abhishek Kumar Sharma Son of Dinesh Sharma Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga
5. Dinesh Sharma Son of Laxmi Sharma Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Simri P.S. Case No.252 of 2023 instituted under Sections 341, 323, 324, 325, 307, 504, 506, 427/34 of the Indian Penal Code.

3. As per the prosecution case, with respect to performing the *Chhath Puja* the dispute arose between the petitioners' and the informant. It is alleged that fifteen accused



persons including the petitioners came with weapon and surrounded the house of the informant and assaulted the informant thereafter taken the jewelry and cash amount of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that the F.I.R. has been lodged after three days without any plausible explanation. Learned counsel submits that in the altercation during the *Chhath Puja* both the parties were injured and the petitioner no.1 has also filed the complaint case. He further submits that the injury on the injured is not grievous in nature and petitioner no.1 suffered external injury and her eye was also damaged. Learned counsel submits that the petitioner no.1, 2 and 3 have no criminal antecedent, however, petitioner no.4 and 5 have one criminal antecedent in which they are on bail. He further submits that petitioners undertake to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks



from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 252 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

Ritik/Ankit-

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