

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50919 of 2024

Arising Out of PS. Case No.-1161 Year-2023 Thana- MADHEPURA District- Madhepura

1. Poonam Devi Wife of Chhutahru Sharma @ Satya Narayan Sharma R/O Vill.- Narsing Bag, Dhurgaon, Ward No. 1, P.S. Madhepura Bharrahi O.P., Dist.- Madhepura
2. Sunita Devi Wife of Chand Kishor Sharma R/O Vill.- Narsing Bag, Dhurgaon, Ward No. 1, P.S. Madhepura Bharrahi O.P., Dist.- Madhepura
3. Chandni Devi Wife of Manoj Sharma R/O Vill.- Pitahi, P.s.- Mathahi O.P., Dist.- Madhepura
4. Babita Devi Wife of Binod Sharma @ Bijli Sharma R/O Vill.- Bhairipur Baisadh, P.s.- Kumarkhand, Dist.- Madhepura
5. Chhutahru Sharma Son of Late Ramji Sharma R/O Vill.- Narsingh Bag Dhuragaon, Ward no. 1, P.s.- Madhepura, Bharrahi O.P. ,Dist.- Madhepura
6. Manoj Sharma Son of Bindeshwari Sharma R/O Vill.- Mathahi, P.s.- Madhepura, Mathahi O.P., Dist.- Madhepura
7. Bindeshwari Sharma Son of Late Dular Sharma R/O Vill.- Mathahi, P.s.- Madhepura, Mathahi O.P., Dist.- Madhepura
8. Binod Sharma @ Vinod Kr. Mashrm @ Vinod Kr. Sharma Son of Chhutahru Sharma R/O Vill.- Narsingh Bag Bakhri Ward No.1, P.s.- Madhepura, Bharrahi O.P., Dist.- Madhepura
9. Mantu Kumar s/o Chhutahru Sharma Village - Narsingh Bag Bakhri Ward No. 1, P.S. Madhepura(Bharrahi O.P), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Adv.
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Madhepura (Bharrahi O.P.) P.S. Case No. 1161 of 2023 dated



25.11.2023, instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 447, 448, 307, 379, 427, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that as per written-report of informant Dinesh Rai, petitioner no. 8 Binod Sharma is alleged to have assaulted the informant on his hand by means of Dabiya, co-accused Santosh and petitioner no. 9 Mantu Kumar assaulted the informant with rod and farsa causing injury on his head. There is allegation of assault against the petitioners including the other accused persons, who have broken and ruined the house of informant. When the informant's brother Umesh Ray came to save the informant, petitioners Manoj Sharma and Bindeshwari Sharma assaulted with sword causing injury on the hand of informant. There is allegation of snatching a gold chain from the neck of informant by petitioner no. 6 (Manoj Sharma). Further, there is allegation of demanding ransom against the petitioners Bindeshwari Sharma and Manoj Sharma.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is case and counter case between the parties. The present case has been lodged on



25.11.2023 and the date of occurrence is of 11.11.2023. This case has been lodged after 13 days without any plausible explanation. It is submitted that the petitioners were earlier granted anticipatory bail by the Court below vide ABP No. 1828 of 2023 and ABP No. 1865 of 2023 on 20.01.2024 to all the petitioners but they could not furnish bail bond due to lack of knowledge and time for furnishing bail bond lapsed. It is also submitted that the petitioners filed Miscellaneous Petition No. 44/2024 which was also allowed on 02.4.2024 with extension of time of further 15 days but they again could not furnish their bail bonds due to non availability of bailors on their behalf. Again, the petitioners filed Miscellaneous Petition No. 60/2024 for extension of time for furnishing bail bond but this time the court did not allow the same and rejected it on 20.5.2024. It is submitted that petitioners are very poor persons and they are unable to manage the bailors in the locality. After rejection of Miscellaneous Petition No. 60/2024, the petitioners again moved for grant of anticipatory bail vide ABP No. 882 of 2024 which was rejected as not maintainable. Lastly, it has been submitted that they have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Madhepura (Bharrai O.P.) P.S. Case No. 1161 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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