

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58120 of 2024

Arising Out of PS. Case No.-222 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Bechan Sharma @ Behan Sharma Son Of Late Chhathu Sharma Resident Of
Village - Belwara Den Sharma Tola, Ward No. 06, P.S. - Simri Bakhtiyarpur
(Kanariya Op), District - Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 354, 379, 448, 427, 504, 34 of the Indian Penal Code.

3. As per the prosecution case in brief is that on 01.06.2022 at about 8 P.M. while her sons were playing, all F.I.R. named accused persons including this petitioner entered the house and assaulted the informant. Accused- petitioner is said to be a order giver upon which co-accused Santosh Sharma assaulted her by *dabiya* blow at her head. Co-accused Basant Sharma assaulted her by sharp edge weapon at her left hand and also tried to tear her blouse with intention to outrage her



modesty. Accused Kamleshwari Sharma assaulted her son by means of *lathi*. Co-accused Sadesh Sharma took out earring from the informant worth Rs. 25,000/- and co-accused Kamleshwari Sharma and bechan Sharma destroyed the house hold article which caused loss of Rs. 20,000/-.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in this case. There is no allegation of assault against this petitioner. Petitioner is only alleged to be order giver. There is case and counter case between the parties. The injury sustained by the informant is found to be simple in nature as mentioned in para 4 of the impugned order.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, and also there is no specific allegation of assault against this petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur (Kanaria O.P.) P.S. Case No. 222 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Ranjeet/-

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