

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63265 of 2024

Arising Out of PS. Case No.-333 Year-2024 Thana- BIHTA District- Patna

Arvind Kumar Sharma Lakshman@Arvind Kumar Sharma Son of Janakadev
Sharma Resident of Village- Nathupur, PS- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Samrendra Jha, Adv.
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Aditya Nath Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 17-12-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 354, 34 of the Indian Penal Code. Later on, Sections 325 and 307 of the Indian Penal Code were added.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 02.04.2024, he along with his brother were returning home at 8.00 P.M., after attending a Shradh ceremony and when they reached near the shop of Shailesh Kumar Sharma, the accused persons including the petitioner intercepted



them and petitioner gave order to kill, but informant and his brother fled on bike and came home, further the accused persons also came behind them variously armed and petitioner assaulted his brother Trinath causing injury above his eyes, on alarm, Rupa wife of Trinath came to save him, when accused Nishant held her and Kishan assaulted her by *bhala*, causing injury below her eye.

4. The learned counsel for the petitioner submits that petitioner and the informant are agnates but then the relationship in the F.I.R. has been concealed. It is next submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that though there is allegation against the petitioner of assaulting Trinath but then the informant does not disclose that by what Arvind assaulted Trinath. It is next submitted that if the allegation in the F.I.R. is believed then informant only received one injury at the hands of Arvind but then from perusal of the injury report, it would manifest that informant received four injuries, which amply demonstrates that the occurrence was committed in some other manner and the petitioner came to be implicated in the instant case. It is also submitted that petitioner is not a criminal as he is a person with clean antecedent and the allegation do not inspire confidence. It is further submitted that



initially the F.I.R. was instituted under bailable sections but after four months, Sections 307 and 325 of the Indian Penal Code came to be added in the F.I.R.

5. Learned A.P.P. and the learned counsel appearing on behalf of 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 appearing on behalf of the petitioner that as per F.I.R. only petitioner is alleged to have assaulted Trinath but then four injuries were found on Trinath, which demonstrates that the occurrence took place in some other manner and petitioner came to be implicated and that initially the F.I.R. was not instituted under Sections 307 and 325 of the Indian Penal Code.

6. 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 Bihta P.S. Case No.333/2024, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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