

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64749 of 2024

Arising Out of PS. Case No.-743 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Sukan Sharma @ Sukan Tanti, S/o- Late Mahavir Sharma, Resident of Village PS-Mahishia Dist- Saharsa.
2. Raju Sharma @ Raju Tanti, Son of Sukan Sharma, Resident of Village PS-Mahishia Dist- Saharsa.
3. Manish Kumar, Son of Panchanan Sharma, R/o Village- Sant Nagar Ward No-18, PS Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Saharsa Sadar P.S. Case No. 743 of 2023 registered for the offences punishable under Sections 341, 342, 323, 324, 307 and 302/34 of the Indian Penal Code.

3. Allegedly, on 21.06.2023, all the FIR named accused persons including the petitioners, armed with iron rod and spade came over the land of the informant and started construction over there. When the aforesaid construction was objected by one Raman Das, on the exhortation made by



Panchanand Sharma, co-accused Rayess assaulted him over his head due to which he fell down on the ground.

4. Further Manish Kumar (petitioner no.3) also assaulted Raman Das by brick over his head due to which he sustained injuries. In the aforesaid occurrence, the wife of the informant sustained injury and later on she died on 04.08.2023 at IGIMS, Patna.

5. Learned counsel for the petitioner contended that the present FIR is based upon a complaint which was filed on 22.09.2023; admittedly with regard to an occurrence which took place on 21.06.2023. In fact, the subject case is nothing but a counter blast of Saharsa P.S. Case No. 405 of 2023, which has been instituted by the mother of petitioner no.3 on 25.06.2023 against the informant and other family members. Apart from delay of over three months in institution of the complaint, neither any autopsy of the dead body of deceased Nagmani Devi was conducted nor any information was given to the police while she was under treatment. In fact, Nagmani Devi died on account of some other ailment, while she was under treatment in IGIMS, Patna, but later on, in order to wreak vengeance and put pressure to withdraw earlier case instituted from the petitioners side, the present complaint has been filed. It is further contended



that so far injuries sustained to Raman Das are concerned, the same has been caused by hard and blunt substance, though one of the injuries is said to be grievous in nature; same has been attributed against petitioner no.3 that he assaulted the injured by means of brick. It is lastly contended that the petitioners have not been residing in the village but only upon being brothers and nephew of Panchanand Sharma, their names have been implicated in this case.

6. On the other hand, learned counsel for the State opposed the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the delay in filing of the FIR as also the fact that there is no allegation of causing any assault of any of the person against petitioners no.1 and 2, coupled with their fair antecedent, let the petitioner no. 1, Sukan Sharma @ Sukan Tanti and the petitioner no.2, Raju Sharma @ Raju Tanti, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 743 of 2023,



subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioners.

8. So far petitioner no.3, Manish Kumar is concerned, considering the specific allegation against him and his criminal antecedent as has been mentioned in para-3 of the bail application, this Court is not acceded to his prayer for bail. Accordingly, his prayer for bail stands rejected.

(Harish Kumar, J)

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