

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68026 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Santosh Sharma S/O Shiv Prasad Sharma @ Shree Prasad Sharma R/O
Village- Gausaghat, P. S. - Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 69194 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

- =====
1. Shree Prasad Sharma @ Shiv Prasad Sharma Son of Late Mahavir Sharma
Resident of Village- Gausaghat, P. S.- Sadar, District- Darbhanga.
 2. Hukumdev Sharma Son of Shiv Prasad Sharma @ Shree Prasad Sharma
Resident of Village- Gausaghat, P. S.- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 68026 of 2024)
For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP
(In CRIMINAL MISCELLANEOUS No. 69194 of 2024)
For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned

APP representing the State.

2. The petitioner is apprehending his arrest in

connection with Darbhanga Sadar P.S. Case No. 228 of 2024 for



the offence under Sections 341, 447, 323, 324, 308, 354/34 of the I.P.C. lodged on 05.06.2024 by the informant, Soni Devi.

3. As per the prosecution story, the informant alleged that there was a land dispute and as the accused side started plucking the mango, it was objected, then, Dhaniklal Sharma caught hair of the informant and tried to outrage her modesty and in the process, her hand was fractured. When her husband came to rescue Ranjeet Sharma gave '*Farsa*' blow causing injury on his left hand. Further the informant son Shivnath Sharma was also assaulted by Ranjeet Sharma gave injury on his head. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that while allegation of assault to the informant is on Dhaniklal Sharma against the son and husband, it is attributed to Ranjeet Sharma no role has been attributed to this petitioner.

5. Learned APP opposes the prayer and submits that all of them with common intention assaulted the informant's family.

6. Though the petitioner is in the category of accused, the role of assault is assigned to Dhaniklal Sharma and specifically to Ranjeet Sharma causing injuries on the head of the informant's husband and brother, this petitioner do not have



criminal antecedent, in that background this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Darbhanga, in connection with Darbhanga Sadar P.S. Case No. 228 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ankit Kumar/-

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