

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80481 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- CHHATAPUR District- Supaul

Jhameli Sharma @ Zameli Sharma Son Of Late Kanhaiya Sharma @ Kanhai
Sharma R/O Village- Kathara, Ward No.-07, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanika, Advocate

For the Opposite Party/s : Mr. Anish Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Arun, learned counsel appearing on behalf
of the petitioner and Miss. Kanika, learned counsel appearing on
behalf of the Opposite Party.

2. The petitioner apprehends his arrest in connection
with Chhatapur P.S. Case No.82 of 2023 registered under
Sections 341, 323, 324, 325, 354, 379, 307, 504, 506/34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
along with other co-accused persons assaulted the informant by
Pharsa on his head with an intention to kill him and in the said
incident, while his son came to save him, he was also assaulted
by the petitioner's side by means of *lathi*.

4. Ms. Kanika, learned counsel appearing on behalf of
the petitioner submitted that the petitioner is innocent and even



according to the allegation made in the FIR, no specific allegation has been made against the petitioner, however, it has been alleged that the petitioner has snatched Rs. 1,500/- from the pocket of the informant and a silver chain from the neck of the informant's daughter.

5. Specific submission on behalf of the petitioner is that the petitioner and the informant sides are own brothers and because of a dispute relating to partition of the property, both sides indulged into fierce fight and in course of the said fight, both the parties sustained injuries but the same was not intentional and on these grounds, learned counsel seeks to enlarge the petitioner on bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that both the parties were indulged in fierce fight and no specific allegation has been made against the petitioner, there is general and omnibus allegation against the petitioner of snatching Rs.1,500/- and a silver chain from the neck of the daughter of the informant, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his 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) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate – V, Supaul in connection with Chhatapur P.S. Case No.82 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

Chn/-
Ashishsingh/-

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