

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85429 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- CHHATAPUR District- Supaul

1. PANKAJ KUMAR SON OF CHANO SHARMA @ CHANDRA MOHAN SHARMA REAL AGED 25 YEARS, RESIDENT OF VILLAGE - PARSAHI, WARD NO.9, POLICE STATION - TRIVENIGANJ, DISTRICT - SUPAUL
2. PRAMOD KUMAR SON OF SHAMBHU SHARMA REAL AGE 31 YEARS, RESIDENT OF VILLAGE - PARSAHI, WARD NO.9, POLICE STATION - TRIVENIGANJ, DISTRICT - SUPAUL
3. AMIT KUMAR SON OF CHANO SHARMA @ CHANDRA MOHAN SHARMA REAL AGE 29 YEARS, RESIDENT OF VILLAGE - PARSAHI, WARD NO.9, POLICE STATION - TRIVENIGANJ, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No. 26 of 2022 for the offence under sections 147, 148, 149, 342, 447, 448, 323, 307, 324, 379, 302, 504, 506 of the I.P.C. lodged on 20.01.2022 by the informant, Sanichari Devi.

3. As per the prosecution story, the informant has alleged that the accused persons armed variously came to the place and after looting the money, ornaments, pump set, sewing machine and other articles assaulted them. The allegation is that



Chandan Kumar, Kailu Sharma, Jitendra Sharma, Gautam Kumar as also Ramji Sharma brutally assaulted the informant side which finally led to the death of informant's husband.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that the allegation has been specific against the named persons as recorded above. So far as these petitioners, namely, Pankaj Kumar, Pramod Kumar and Amit Kumar are concerned, only omnibus allegation of presence has been shown, nothing has been attributed to them. Further, they do not have criminal antecedent.

5. Learned APP, on the other hand, opposes the prayer stating that they were part of the mob who assaulted the informant side which ultimately led to the killing of informant's husband.

6. Though there has been assault leading to the death/killing, specific role has been attributed to the accused persons, as stated above. So far as these petitioners are concerned, no role has been attributed and they were part of the mob and they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

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 Additional Chief Judicial Magistrate-V, Araria, in connection with Chhatapur P.S. Case No. 26 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) 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;

(v) the petitioners shall desist from committing any



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

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

