

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2258 of 2024

Arising Out of PS. Case No.-88 Year-2019 Thana- CHAUTHAM District- Khagaria

1. Pintu Sharma @ Pinta Sharma, S/O Fekan Sharma, R/O Village- Malpa, P.S- Chautham, Distt.- Khagaria.
2. Gunjesh Sharma, S/O Fekan Sharma, R/O Village- Malpa, P.S- Chautham, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Sateyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Ram Sumiran Rai, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chautham P.S. Case No. 88 of 2019 registered for the offences punishable under Sections 341, 323, 504 and 308/34 of the Indian Penal Code.

3. Allegedly on account of a dispute in relation to grazing of a goat, the petitioners and other co-accused persons assaulted the informant and his brother by means of Lathi, Danda and bricks, due to which they sustained serious injuries.

4. It is submitted on behalf of the petitioners that from



the narrative made in the F.I.R, there is no allegation of any specific overt act against the petitioners, moreover, both the parties are own *Gotias* and on account of some trifle, a scuffle took place between the parties, due to which persons of both the sides sustained injuries. He next submitted that even the injuries, which are allegedly sustained to the informant and his brother, the same are found to be simple in nature and thus taking into consideration the case has been instituted under Section 308 of the Indian Penal Code. He lastly submits that the petitioners undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application.

6. On a query made, that the case is of the year 2019 and the petitioners have approached this Court belatedly, learned counsel for the petitioners submits that since there was no progress in the case and there was chance of amicable settlement between the parties, thus delay has occurred.

7. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the injuries sustained to the informant and his brother are simple in nature, coupled with



their fair antecedent, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Chautham P.S. Case No. 88 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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