

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7063 of 2024

Arising Out of PS. Case No.-218 Year-2023 Thana- TEKARI District- Gaya

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1. AMAN KUMAR SON OF SANJEEV KUMAR @ SANJEEV SHARMA
RESIDENT OF VILLAGE- MUSSI, P.S.- TEKARI, DISTRICT- GAYA.
 2. SANJEEV SHARMA @ SANJEEV KUMAR SON OF ARJUN SHARMA
RESIDENT OF VILLAGE- MUSSI, P.S.- TEKARI, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In this case, the petitioners are apprehending
their arrest in connection with Tekari P.S. Case No. 218 of 2023
registered for the offences under Sections 341, 323, 324, 307,
354, 325, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, the informant
requested the petitioner no. 1 to move sand on his tractor by
getting it covered since the sand got in the eyes of the informant
by the tractor of petitioner no. 1 when he was riding a motorcycle
behind the tractor. Petitioners also assaulted the informant by iron
rod and lathi on his head due to which his head got fractured and the



informant got injury on his hand. The petitioner no. 2 put down the sister in law of the informant with bad intention.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Allegations are completely false and concocted and no occurrence as alleged ever taken place. There is allegation of brutal assault but no injury report has been brought on record and it has nowhere been mentioned that where the informant got himself treated. Learned counsel further submits that the informant was indulging in corruption at a Government School as Headmaster and petitioner no. 1, who is an elected member of Panchayat Samiti, opposed the activities of the informant, so he was falsely implicated in this case. Further there is counter version of the case lodged by petitioner no. 1 vide Tekari P.S. Case No. 219 of 2023. Learned counsel further submits that from the facts of the case, it is apparent that there was no intention of causing death to any person and the allegation of outraging of modesty against the petitioner no. 2 is false and concocted. The petitioner no. 1 has criminal antecedent of one case whereas petitioner no. 2 has no criminal history.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of any injury report and further considering possibility of false implication in given facts, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Gaya/court concerned in connection with Tekari P.S. Case No. 218 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:-

(I) One of the bailors will be a close relative of the petitioners.

(II) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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