

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6956 of 2025

Arising Out of PS. Case No.-398 Year-2024 Thana- SAUR BAZAR District- Saharsa

-
1. Raben Sharma S/O Lalkun Sharma Resident of Village- Dhamseena, Ward No. 1, P.S.- Sour Bazar, Dist- Saharsha.
 2. Lalkun Sharma S/O Late Daho Sharma Resident of Village- Dhamseena, Ward No. 1, P.S.- Sour Bazar, Dist- Saharsha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Sour Bazar P.S. Case No. 398 of 2024 registered for the alleged offences under Sections 126(2), 115, 118(i), 109, 74, 303(2), 352, 351, 3(5), 103(i) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, in the background of land dispute, petitioners and other co-accused persons, who were variously armed surrounded the father-in-law of the informant and assaulted him. Co-accused Dilip Sharma hit the father-in-law of the informant on his head with a bamboo, causing its



fracture and he fell down. When the informant, her sister-in-law, her husband and her brother-in-law came for rescue of the father-in-law of the informant, they were also assaulted. Petitioner-Raben Sharma hit the brother-in-law of the informant on his head, causing its fracture. Petitioner-Lalkun Sharma tore the clothes of the sister-in-law of the informant. The father-in-law of the informant died during his treatment.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Land dispute is admitted and the petitioners and the informant are agnates. There is no specific allegation of assault on father-in-law of the informant against the petitioners. The allegation against petitioner no. 1 is for assaulting Savindra Sharma on head with *lathi* but his injury was found to be simple. The allegation against the petitioner-Lalkun Sharma is for toring the clothes of the sister-in-law of the informant is completely false and concocted. The injury of sister-in-law of the informant is also simple. The petitioners are in custody since 18.10.2024 and charge-sheet has been submitted. The petitioners are having clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioners. Learned APP submits that in



the assault made by the petitioners and other co-accused persons, father-in-law of the informant died.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of any assault by the petitioners against the father-in-law of the informant and also considering the general and omnibus nature of allegation against the petitioners and further considering the period of custody of the petitioners and their clean antecedent along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa/court concerned in connection with Sour Bazar P.S. Case No. 398 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

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

