

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14201 of 2025

Arising Out of PS. Case No.-742 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Shanti Devi W/o Shankar Sharma R/o vill- Korlahi, ward No. 44, P.S.- Saharsa Sadar, District- Saharsa
2. Raji Kumar @ Rajji Kumar @ Raji Sharma S/o Shankar Sharma R/o vill- Korlahi, ward No. 44, P.S.- Saharsa Sadar, District- Saharsa
3. Fulo Sharma S/o Dhodhay Sharma R/o vill - Korlahi, Ward No. 44, P.S.- Saharsa, Sadar, Distt.- Saharsa
4. Nunubabu Sharma S/o Late Sahdi Sharma R/o vill- Korlahi, ward No. 44, P.S.- Saharsa Sadar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate
For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-07-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Saharsa Sadar P.S. Case No. 742 of 2023 instituted under Section 147, 148, 149, 341, 323, 307, 354(B), 380, 504, 506 of the Indian Penal Code lodged on 18.10.2023 by the informant, Jawahar Sharma.

3. As per the prosecution story, the informant alleged that all of a sudden, accused persons came and assaulted the informant's side whereas allegation against



petitioner no.1, Shanti Devi is of assaulting ladies of the informant's family, Raji Kumar assaulted the informant's son Indrajeet, Fulo Sharma assaulted the informant's uncle namely Raj Bihari Sharma while petitioner no.4 Nunu Babu Sharma assaulted the informant Jawahar Sharma. Allegation of assault is on other accused persons also. This led to the FIR.

4. Learned counsel for the petitioners submit that in a small scuffle, entire family members have been roped in, most of the injuries have been found to be simple in nature and further those who may be extended relief are inclined to make payment of Rs. 5000/- each for the injured (totalling Rs. 15000/-) towards the medical assistance of the injured through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Court to be handed over to the injured.

5. Learned APP opposes the prayer stating that so far as the injuries received by the informant's son Indrajeet is concerned, which is attributable to the petitioner no.2, Raji Sharma, the same is found to be grievous in nature. Regarding others, the submission is that the same have been found to be simple in nature.

6. The coordinate bench earlier called for the case



diary and the injury report is on record. The submission of learned APP finds supported with the said injuries report, in that background, so far as the anticipatory bail application of petitioner no.2, Raji Kumar @ Rajji Kumar @ Raji Sharma is concerned, the assault made by him on Indrajeet has been found to be grievous, in that background, the relief sought for by him is rejected.

7. So far as the petitioner no.1, Shanti Devi, the petitioner no.3, Fulo Sharma and the petitioner no.4, Nunubabu Sharma are concerned, taking into account that the injuries have been found to be simple in nature, though they have criminal antecedent, in view of the fact that an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.5000/- each (totalling Rs. 15000/-) towards the medical assistance of the injured through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Court to be handed over to the injured.

7. Let the petitioners (except petitioner no.2, Raji Kumar @ Rajji Kumar @ Raji Sharma) be released on bail, in the event of their arrest or surrender before the subordinate



court 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 the like amount each in connection with Saharsa Sadar P.S. Case No. 742 of 2023 to the satisfaction of learned Principal Session Judge, Saharsa subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(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.

(Rajiv Roy, J)

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