

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27395 of 2025

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

Dashrath Sharma @ Dasrath Sharma Son of Late Daho Sharma Village-
Dhamsaina, Ward no. 1, Ps- Sour Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks 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 BNS.

3. As per the prosecution case, in the background of the
land dispute, the petitioner 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 head fracture due to which he fell down. When the
informant, her sister-in-law, her husband and her brother-in-law
came for the rescue of the father-in-law of the informant, they



were also assaulted. Raben Sharma hit the brother-in-law of the informant on his head, causing head fracture. Lalkun Sharma tore the clothes of the sister-in-law of the informant. The father-in-law of the informant died during his treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The land dispute is admitted and the petitioner and the informant are agnates. It is further submitted that there is no specific allegation of assault on the father-in-law of the informant against the petitioner. The allegation of assaulting Savindra Sharma on his head with a Lathi is against Raben Sharma, but the injury was found to be simple. The allegation of tearing the clothes of the sister-in-law of the informant is against Lalkun Sharma. Both the co-accused have been enlarged on bail by a coordinate bench of this court vide order dated 14.05.2025 passed in Cr. Misc. No. 6956 of 2025. It is lastly submitted that the charge sheet has been submitted, the petitioner has clean antecedent and he has been in custody since 01.08.2024.

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

6. Considering the aforesaid facts and circumstances of the case and the fact that there is no allegation of any assault



by the petitioner against the father-in-law of the informant, the period of custody, clean antecedent of the petitioner along with submission of charge-sheet and that co-accused Lalkun Sharma and Raben Sharma have been enlarged on bail by a coordinate Bench of this Court, the petitioner, above named, is 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:

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.



d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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