

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45048 of 2025

Arising Out of PS. Case No.-175 Year-2025 Thana- BASANTPUR District- Siwan

1. Rajkishor Sharma @ Raj Kishor Shrma Son of Vishvnath Sharma @ Vishv Nath Shrma village- Sendurkha, P.S.-Basantpur, District- Siwan
2. Jaykishor Sharma @ Jay Kishor Shrma Son of Vishvnath Sharma @ Vishv Nath Shrma village- Sendurkha, P.S.-Basantpur, District- Siwan
3. Jitendra Sharma @ Jitendra Shrma Son of Vishvnath Sharma @ Vishv Nath Shrma village- Sendurkha, P.S.-Basantpur, District- Siwan
4. Suman Devi wife of Rajkishor Sharma @ Raj Kishor Shrma village- Sendurkha, P.S.-Basantpur, District- Siwan
5. Visnvnath Sharma @ Vishv Nath Shrma Son of Late Mangal Thakur village- Sendurkha, P.S.-Basantpur, District- Siwan
6. Harikishor Sharma @ Hari Kishor Shrma son of Vishvnath Sharma @ Vishv Nath Shrma village- Sendurkha, P.S.-Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-07-2025 Heard Mr. Satyendra Rai, learned counsel for the

petitioners and Mr. Mukesh Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Basantpur P.S. Case No. 175 of 2025, F.I.R. dated 22.03.2025 for the offences punishable under Sections 191(2), 126(2), 115(2), 109(1), 303(2) and 352 of the Bhartiya Nyaya Sanhita, 2023.



3. According to prosecution case, all the accused persons including these petitioners armed with various weapons have brutally assaulted the informant and his nephews and also snatched gold chain worth of Rs. 70,000/- from the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case between the parties. Although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against the petitioners rather the specific allegation is against the co-accused, namely, Pawan Sharma that he has assaulted to the informant and other accused persons and except the injury of the informant, all the injuries of the injured persons are simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific allegation against these petitioners, all the injuries are simple in nature and there is case and counter case between the parties, let the petitioners, above named, in the event of arrest or surrender



before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Siwan in connection with Basantpur P.S. Case No. 175 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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