

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35708 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- KHAJAULI District- Madhubani

1. KRISHNA SHARMA @ KRISHNA KUMAR SHAMA Son of Ram Prasad Sharma Resident of Village- Marukiya, Police Staiton- Khajouli, District- Madhubani.
2. UDAY SAH @ UDAY KUMAR SAH Son of Ramadhin Sah Resident of Village- Marukiya, Police Staiton- Khajouli, District- Madhubani.
3. MANOJ THAKUR Son of Chhedi Thakur Resident of Village- Marukiya, Police Staiton- Khajouli, District- Madhubani.
4. DINESH SAH Son of Narayan Sah Resident of Village- Marukiya, Police Staiton- Khajouli, District- Madhubani.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Diwakar Yadav, Advocate.
For the State	:	Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-04-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 16.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Krishna Sharma alias Krishna Kumar Sharma, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely,



Krishna Sharma alias Krishna Kumar Sharma, to grant him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Krishna Sharma alias Krishna Kumar Sharma.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Krishna Sharma alias Krishna Kumar Sharma, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.2, 3 and 4, above named, to grant them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.2, 3 and 4, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.2, 3 and 4, above named, apprehend their arrest in connection with Khajouli P.S. Case No.43 of 2020 registered under Sections 341, 323, 324, 325, 307, 379, 354(B), 448, 380, 427, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 04.04.2020 at about 11.00 A.M., Puja Sharma and Kumari Punam Sharma, both daughters



of the informant Gita Kumari, had gone to the house of Sanjay Kumar Sharma, the co-villager of the informant, and were preparing the mask. In the meantime, Rahul Sharma, Rajeev Kumar Sharma, Praveen Kumar Sharma, Krishna Sharma, Uday Sah (petitioner no.2), Manoj Thakur (petitioner no.3) and Dinesh Sah (petitioner no.4) having sword, axe and iron rod in their hand came at the house of Sanjay Kumar Sharma and started to abuse him and his wife, then Sharma Kumar Sharma fled from his house due to fear and when the aforesaid persons started to abuse the sister-in-law of Sanjay Kumar Sharma, then the daughters of the informant starting preparing of the videography of the same and on seeing the same, all the aforesaid persons while abusing, ran to cause assault to the daughters of the informant, due to which the daughters of the informant fled away from there due to fear and all the aforesaid persons entered into the furniture shop of Sanjay Kumar Sharma and damaged the articles. Thereafter, all the aforesaid persons came at the house of the informant and started to abuse and when the informant made query, then they asked that her daughters have made videography of the incident, then the informant informed to her husband on mobile and when he was coming from his village, then on seeing him, all the aforesaid



persons surrounded and abused him. Thereafter, on the order of Krishna Sharma, Rahul Sharma, Rajeev Sharma and Praveen Kumar Sharma, started to cause assault to the husband of the informant through sword, iron rod and axe. At that time, petitioner no.2 snatched the “gold Mangalsutra” from the neck of the informant and all entering into the house of the informant, damaged the sewing machine and took the purse from the pocket of the paint of the husband of the informant and Rs.90,000/- from the alrmirah.

Learned counsel for the petitioner nos.2, 3 and 4, above named, submits that, in fact, due to petty dispute, the occurrence of “Maar-Peet” took place in between the parties in which the side of the petitioner nos.2, 3 and 4 also sustained injury regarding which on the basis of the fardbeyan of Babita Devi, the wife of Krishna Kumar Sharma, Khajouli P.S. Case No.44 of 2020 was also instituted against the prosecution party. Further submission is that it would appear from the F.I.R. that no specific allegation to cause injury to anyone is attributed to the petitioner nos.2, 3 and 4. The only specific allegation against the petitioner no.2 is to snatch the “ gold Mangalsutra” from the neck of the informant.

Having considered the facts and the circumstances of



the case, let the petitioner nos.2, 3 and 4, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhubani, in connection with Khajouli P.S. Case No.43 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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