

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31783 of 2020**

Arising Out of PS Case No.-281 Year-2019 Thana- CHAUTARWA District- West Champaran

1. Ganesh Sharma, 33 Y/M,
2. Ramesh Sharma, 40 Y/M,
3. Umesh Sharma, 35 Y/M
All Sons of Sri Chanchal Sharma @ Ramchandra Sharma, all residents of
village - Siktaur, P.S. - Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Umesh Chandra Verma, learned counsel for the petitioners and Mr. Md. Arif, learned Incharge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Though, Mr. Anil Prasad Singh, learned APP was assigned the matter but despite link having been sent to him, he has not appeared and when the Technical Assistant of the Court tried to talk to him yesterday and even today on telephone, there



was no response from him. Accordingly, the Court has taken assistance from Mr. Md. Arif, learned Incharge APP.

4. The petitioners are in custody in connection with Chautarwa PS Case No. 281 of 2019 dated 24.10.2019, instituted under Sections 341, 323, 324, 307, 379, 354, 447 and 448/34 of the Indian Penal Code.

5. The allegation against the petitioners and seven others is of assault on the informant and his family members and also of snatching gold chain, cash and other ornaments and also outraging the modesty of womenfolk.

6. Learned counsel for the petitioners submitted that the allegations are false. It was submitted that the reason for lodging of the present case is that earlier on 31.03.2019, the daughter of petitioner no. 1 had met with an accident by the Bolero vehicle of the informant which caused injury to her and also to other children and also death of a she-goat and in the Panchayat, the informant was directed to give Rs. 5,000/- to the father of Umesh Sharma but the same was not given and instead on 14.10.2019, which is the date of occurrence in the present case also, it was the informant and other family members, who had assaulted the petitioners and his other family members and had also outraged the modesty of the womenfolk for which Bagaha SC/ST PS Case



No. 20 of 2019 was instituted under Sections 341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code. Learned counsel submitted that there was a wound of sharp cutting edge on the informant which is attributable to co-accused Prahlad Sharma and against the petitioner no. 1, is that he assaulted by iron rod on the head but there is only one lacerated wound on frontal part of the head. It was submitted that the parties have dispute among themselves and there is case and counter case and even the decision of the *Panches* has not been acted upon by the informant side. Learned counsel submitted that the petitioners having no criminal antecedent are in custody since 30.06.2020.

7. Learned APP submitted that there is allegation of assault by the petitioners also. However, he did not controvert that the same is general and omnibus in nature.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in Chautarwa PS Case No. 281 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the



petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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