

(2004) 02 PAT CK 0075
In the Patna High Court
Case No : Cr. A. No. 331 of 2000 (D.B.)

Kari Sharma and Triveni Sharma

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 17-02-2004

Acts Referred:

Citation : (2004) 02 PAT CK 0075

Final Decision : Dismissed

Judgement

Bal Krishna Jha, J.—These three appeals arise out of the common judgment and Order passed by the then 1st Additional Sessions Judge, Saharsa on 11/14th July, 2000 in Sessions Trial No. 187/97, so they were heard together and are being disposed of by this judgment.

2. The Appellant, Yogendra Sharma in Criminal Appeal No. 360 of 2000 has been convicted u/s 302 of the I.P.C. and sentenced to R.I. for life. The Appellants, Kari Sharma and Triveni Sharma in Criminal Appeal No. 331 of 2000 and the Appellants, Raghuni Sharma, Upendra Sharma, Badri Sharma, Mahendra Sharma, Kankir Sharma @ Kanbir Sharma, Tuntun Sharma, Lallan Sharma, Rajendra Sharma and Musaharu Sharma, in Criminal Appeal No. 356 of 2000, have been convicted under Sections 302/149 of the I.P.C. and sentenced to R.I. for life. The Appellants, 1. Yogendra Sharma, 2. Kari Sharma, 3. Triveni Sharma and 4. Raghuni Sharma, have further been convicted u/s 148 of the I.P.C. and sentenced to R.I. for 2 years. The Appellants, 1. Upendra Sharma, 2. Badri Sharma, 3. Mahendra Sharma, 4. Kankir Sharma, 5. Tuntun Sharma, 6. Lallan Sharma, 7. Rajendra Sharma and 8. Musharu Sharma, have again been convicted and sentenced to R.I. for 10 months u/s 147 of the I.P.C. and 6 months each for the offence u/s 323 of the I.P.C. The sentences of the Appellants have been ordered to run concurrently.

3. The case of the prosecution is contained in the fardbeyan (Ext. No. 5) of the informant, Rama Shankar Sharma, P.W.8, recorded by P.W. 12, S.I. Rabindra Narayan Pathak of Saharsa Police Station Camp at Sadar Hospital, Saharsa on

24.3.1997 at 4 P.M. in Saharsa Sadar Hospital. The informant stated that on the same day at about 2 P.M. his nephew, Ajay Sharma aged 4 years and niece Pinki Kumari aged 7 years went to the shop of the accused, Upendra Sharma for purchasing Pichkari. The accused Upendra Sharma asked them to take out two pichkaries from the hanging bundles there. Both of them took out all the twelve pichkaries from the bundle instead of taking out two whereupon the accused Upendra Sharma fisted and slapped them. Both the children returned back to their house weeping and thereafter his elder brother, Shiva Chandra Sharma, went to the shop of accused, Upendra Sharma, and asked him as to why he had assaulted them. This resulted into exchange of hot words in between them in course of which all the accused persons armed with arrow, farsa and lathi entered in the Angan of his house and assaulted him (informant), his brother, Shiva Chandra Sharma, sister, bhabhi, mother, father and injured them. The informant further stated that accused, Yogendra Sharma shot an arrow at his brother, Shiva Chandra Sharma, which hit on the left side of his neck and he died on way to hospital. The accused, Kari Sharma, shot an arrow at his brother, Ramesh Sharma, causing injury on his thigh. The accused, Triveni Sharma, assaulted Ramesh Sharma with farsa causing injury above his left eyebrow. The accused, Upendra Sharma assaulted Ramesh Sharma with farsa causing injury below his nose, on his lip, on the back side of his right ear and on the head. When accused, Bindeshwari Sharma, attempted to assault his father with farsa he warded off as a result of which he sustained injury in the left middle finger. The accused, Badri Sharma, assaulted his mother, Lukni Devi, on her head as a result her head was broken and blood started oozing out from there. Accused, Badri Sharma, also assaulted him (the informant) with lathi and he sustained injury over the thumb of both hands. The accused, Raghuni Sharma, assaulted his brother, Shiva Chandra Sharma, with farsa causing injury on the finger of his right hand. The accused, Mahendra Sharma, also assaulted his brother, Shiva Chandra Sharma, with lathi causing injury on his head, elbow and knee. The accused Kankir Sharma, assaulted his wife, Ram Pari Devi, with lathi. Accused, Musahar Sharma and Tuntun Sharma, assaulted his bhabhis Gita Devi and Anita Devi, with lathi. The accused, Lallan Sharma and Rajendra Sharma assaulted his sisters Rampati Devi and Phulo Devi with lathi. The informant further stated that after the occurrence all the injured were removed to Sadar Hospital, Saharsa for treatment. The witnesses, Brahmi Sharma, Rashik Sharma (P.W. 2), Asik Lal Sharma (P.W. 7), Ramesh Sharma (P.W.4), Shankar Kumar Sharma (P.W.1), Nawal Sharma (P.W.10) and many others witnessed the occurrence.

4. The fardbeyan of the informant was forwarded to the Saharsa P.S. for the institution of a case. On the basis of the fardbeyan (Ext. No. 5) of the informant a formal F.I.R. (Ext. No. 6) was drawn up and Saharsa P.S. Case No. 107/97 was instituted against 13 accused persons, namely, 1. Yogendra Sharma, 2. Musharu Sharma, 3. Rajendra Sharma, 4. Mahendra Sharma, 5. Tuntun Sharma, 6. Kankir Sharma @ Kanbir Sharma, 7. Lallan Sharma, 8. Upendra Sharma, 9. Badri Sharma, 10. Raghuni Sharma, 11. Kari Sharma, 12. Triveni Sharma and

Bindeshwari Sharma (since dead) under Sections 147, 148, 149, 323, 341, 324, 448 and 307 of the I.P.C. On completion of the investigation the police chargesheeted all the 13 accused persons for trial. Before framing of the charges accused, Bindeshwari Sharma, died and proceeding against him was dropped vide order dated 24.9.1998. Remaining accused were put on trial for different charges which ultimately ended in their conviction in the manner indicated above.

5. The defence of the Appellant is that they had not at all participated in the occurrence and have been falsely implicated in this case. According to the defence, in fact, the deceased, Shiva Chandra Sharma, was a lathihal and was murdered somewhere else but the time and place were changed to involve the Appellants in this case. The Appellant, Yogendra Sharma also took a plea of alibi that on the alleged date he was under treatment of Dr. D.K. Jha, Incharge Medical Officer, Murliganj Hospital. The further defence of the Appellants, Kari Sharma and Triveni Sharma, is that their houses are situated at a long distance, so, it was not possible for them to have participated in the alleged occurrence within the very short span of time. Their further defence is that the father of the deceased, Rasik Lal Sharma, and the accused, Kari Sharma, were working in the F.C.I., so, because of Union rivalry they have been dragged in this false case. The defence has examined altogether 6 witnesses in support of its case.

6. In course of the trial the prosecution examined altogether 12 witnesses to bring home the guilt against the accused-Appellants. Witnesses, Shankar Kumar Sharma (P.W.1), Rasik Lal Sharma (P.W.2), Kishore Kumar (P.W.3), Ramesh Sharma (P.W.4), Asik Lal Sharma (P.W.7), Sri Rama Shankar Sharma (P.W.8), the informant, and Smt. Lukhni Devi (P.W.11) are the witnesses on the point of the occurrence. Out of them Rama Shankar Sharma (Informant), Asik Lal Sharma, Lukhni Devi and Ramesh Sharma are the injured witnesses. P.W.9, Dinesh Kumar Sharma is a hostile witness and has denied to have seen the occurrence but he has proved his signature on the seizure list of blood stained earth (Ext. No. 1/4). P.W. 10, Nawal Sharma is also a hostile witness and nothing material has come in his cross examination. P.W.5 is the Dr. (Cap.) Mansur Ahmad Siddique who examined the injuries of the four injured witnesses. P.W.6, Dr. Kishore Kumar Madhup, held autopsy on the dead body of the deceased, Shiva Chandra Sharma and P.W.12, Rabindra Narayan Pathak, is the I.O. of this case.

7. The evidence of Dr. (Cap.) M.A. Siddique, P.W.5 is that on the basis of four police requisition (Exts. 2 to 2/3) he examined all the four injured persons, namely, Lukhni Devi, Asik Lal Sharma, Rama Shankar Sharma and Ramesh Sharma on 24.3.1997. He has stated that he found three injuries on the person of Rama Shankar Sharma which were simple in nature caused by hard and blunt substance. He found two injuries on the person of Ashik Lal Sharma which were simple in nature caused by sharp cutting weapon and hard blunt substance. He found three injuries on the person of Ramesh Sharma which were simple in nature caused by hard and blunt weapons. He found one injury on the person of Smt. Lukhni Devi, simple in nature caused by hard and blunt substance. He

proved all the injury reports, Ext. 3 to 3/3.

8. P.W.6 is Dr. Kishore Kumar Madhup. His evidence is that on 24.3.1997 he was posted at Sadar Hospital Saharsa. On the same day at 10.30 A.M. he conducted post mortem examination on the dead body of Shiva Chandra Sharma and found the following ante-mortem injuries on his person:

(i) One lacerated wound of size 1 1/2" x 1", two inch lateral to mid line of neck on left side direction oblique which was deep in neck muscles about 2".

(ii) One linear abrasion about 10" long on back, whole back swollen and multiple abrasion and bruises 10-12 in number.

(iii) Bruise black in colour over a swelling 2" x 1" over right forehead.

(iv) Difused swelling 2" x 2" right side of scalp.

(v) Difused swelling on right knee and the right arm.

On dissection of neck:

Blood filled around injury No. (sic)

sternocleidomastoid muscle of left side lacerated and pierced and left carotid artery lacerated and pierced.

In his opinion injury No. (i) was caused by hard and pointed weapon like arrow while injury No. (ii) was caused by sharp cutting weapon as farsa and the remaining injuries were caused by hard and blunt object. According to him all the injuries were ante-mortem in nature and the death was caused due to the abovementioned injuries, specially due to injury No. (i) damage to carotid vessel caused shock and haemorrhage was cause of death. The time elapsed between death and the post mortem examination held was found in between 12 to 24 hours. He proved postmortem examination report (Ext.9).

Thus, it is evident that the post mortem examination was held on 25.3.1997 at 10.30 A.M. and the occurrence had taken place on 24.3.1997 at 2 P.M. Thus, the time elapsed between death and post mortem examination held was 21 hours and according to the Doctor (P.W.) death was within 24 hours. Therefore, the medical evidence is in consonance with the prosecution case.

9. As stated above, P.W.1, Shankar Kumar Sharma, P.W.2, Rasik Lal Sharma, P.W.3, Kishore Kumar, P.W.4, Ramesh Sharma, P.W.7, Asik Lal Sharma, P.W.8, Sri Ram Shankar Sharma, the informant and P.W.11, Smt. Lukhni Devi, are the witnesses on the point of the occurrence. Brother-in-law of the deceased (P.W.11), Shankar Kumar Sharma, has claimed to be the eye witness to the occurrence but the trial court disbelieved his testimony on the basis of the evidence of the I.O. (P.W.12). It appears that this witness was a hearsay witness and he stated before the I.O. that on receipt of the information of the incident he came to Saharsa Sadar Hospital and learnt about the occurrence from the informant and others. His evidence further indicates that the inquest report was

prepared in his presence and was signed by him. He proved his signature on the inquest report (Ext. 1). P.W.2, Rasik Lal Sharma has also claimed to be an eye witness to the occurrence. He is the uncle of the deceased. But on going through his evidence it appears that he had not seen the actual occurrence of assault. His evidence at paragraph 12 is that his house is situated at the distance of five hands from the house of the deceased, Shiv Chandra Sharma, and at the alleged time he was in his house. He has stated "HALLA HUA, MARR DIYA USI PER MAIN GAYA THA TAB TAK MAAR HO CHUKA THA". His evidence further reveals that thereafter he went inside the Angan and found all the injured lying and groaning there. Blood was oozing out from the dead body of Shiva Chandra Sharma and he was lying unconscious on the verandah. Thereafter he along with others removed Shiva Chandra Sharma and other injured to the Hospital. His further evidence is that Daroga Ji reached and prepared seizure list. He has proved his signature on the seizure list (Ext. 1/2).

10. P.W.8, Rama Shankar Sharma, is the informant of this case. He has stated that on 24.3.1997 at 2 P.M. while he was at his house his nephew and niece went at the shop of the accused, Upendra Sharma, for purchasing Pichkari, Upendra Sharma asked them to take out two pichkari from the hanging bundle. When they attempted to take out pichkari he bundle fell down on the ground. Then the accused, Upendra Sharma, fisted and slapped both and they returned back weeping to their house. There-after his brother, Shiva Chandra Sharma went to the shop of Upendra Sharma and asked as to why he assaulted them. This resulted into exchange of hot words in course of which the remaining accused persons, namely, Yogendra Sharma, Kari Sharma, Triveni Sharma, Badri Sharma, Lallan Sharma, Bindeshwari Sharma, Raghuni Sharma, Rajendra Sharma, Musharu Sharma, Mahendra Sharma, Kankir Sharma and Tuntun Sharma also came there. The accused, Yogendra Sharma and Kari Sharma were, armed with arrow, Triveni and Rama Shankar Sharma were armed with farsa and the rest with lathi. On seeing them his brother Shiva Chandra Sharma rushed to his darwaja and the accused persons also followed him. The accused, Yogendra Sharma shot an arrow at Shiva Chandra Sharma which hit on the left side of his neck whereupon his brother rushed inside the Angan and fell down there. The accused persons following him entered in the Angan and accused, Raghuni Sharma assaulted Shiva Chandra Sharma with farsa and Mahendra with lathi. When his brother Ramesh Sharma rushed to save him the accused Kari Sharma shot an arrow at him which hit on his left thigh. The accused, Triveni Sharma assaulted Ramesh Sharma with farsa on his ear. The accused, Upendra Sharma, assaulted Ramesh Sharma with farsa causing injury near his lip. The accused, Badri Sharma, assaulted him (informant) with lathi and also his mother. The accused, Rajendra Sharma, assaulted his sisters with lathi. The accused, Tuntun Sharma assaulted his bhabhi with lathi and Bindeshwari Sharma assaulted his father with farsa causing injury on his finger of the left hand. At the time of the occurrence Rasik Lal Sharma, Chander Sharma, Barmi Sharma, Dinesh Sharma and Nawal Sharma came and witnessed the occurrence. Thereafter Shiv Chandra

Sharma including all the injured were removed to Saharsa Sadar Hospital for treatment where Shiva Chandra Sharma died. He further stated that Darogaji came in Saharsa Hospital, recorded his fardbeyan and he signed (Ext. 1/4). Darogaji also prepared inquest report and he put his signature thereon. He has further stated that the witnesses, Barmi Sharma, Nawal Sharma and Dinesh Sharma were gained over by the accused persons and he also made a Protest Petition against the Investigating Officer for perfunctory investigation of this case. The Protest Petition was prepared by Devendra Kumar, Advocate, he proved his signature and that of Devendra Kumar on the Protest Petition (Exts-1/5 and 1/6). In cross examination at paragraph 32 his evidence is that Daroga Ji examined him twice in this case. He has admitted to have stated before him that the accused, Yogendra Sharma and Kari Sharma, were armed with Arrows and bows, Triveni and Raghuni Sharma with farsa and the rest with lathi. He has also admitted to have stated before him that when his brother came at the darwaja the accused persons also followed him and he went inside the Angan and then accused persons also went there. He has also stated before him that Yogendra Sharma shot an arrow which hit on the neck of his brother and he fell down on the western verandah of his Angan. He also admitted to have stated before him that accused, Mar endra Sharma assaulted Shiva Chandra Sharma with lathi and the accused persons retreated from the place of occurrence after uttering "MUDALAYA KAHA KIAB SAAF HO GAYA HAICHALO."

P.W.3, Kishore Kumar, P.W.4, Ramesh Sharma, P.W.7, Asik Lal Sharma and P.W.11, Smt. Lukhni Devi, have supported the case of the prosecution and corroborated the evidence of the informant, Rama Shankar Sharma (P.W.8) on all material points. These witnesses were also confronted with their statements made before the police u/s 161 Code of Criminal Procedure and all of them have affirmed that they had made statements before the police, not inconsistent with their evidence in Court.

11. P.W.12, Rabindra Narayan Pathak, is the I.O. of this case. His evidence is that on 24.3.1997 he was posted at Sadar Police Station, Saharsa. On the same day he recorded the fardbeyan of the informant, Rama Shankar Sharma in Saharsa Sadar Hospital. He proved the fardbeyan (Ext. 5). His fardbeyan was sent to the Saharsa Police Station for the institution of a case and a formal F.I.R. was drawn up. He proved the formal F.I.R. which is in the pen and signature of D.K. Srivastava, Officer Incharge of Sadar Saharsa Police Station (Ext. 6). He took up the investigation, recorded further statement of the informant and prepared inquest report of the dead body of the deceased Shiva Chandra Sharma. He proved inquest report (Ext. 7). Thereafter he prepared challan and dispatched the dead body of Shiva Chandra Sharma for post-mortem examination. He further stated that in course of investigation the injured, Lukhni Devi, Asik Lal Sharma, Rama Shankar Sharma and Ramesh Sharma were examined and their injury reports were prepared. He has proved the injury reports (Exhibits 8 to 8/3) prepared by him. He further stated that on 25.3.1997 at 7 A.M. he visited the place of occurrence which was the angan of the house of the informant. He

found blood marks on the Osara in front of the southern room, four arrows, one blood stained, rest three without blood stains besides one farsa. He prepared the seizure list of all the four arrows, farsa and blood-stained earth in presence of the witnesses. He has proved the seizure list (Ext-9). He also proved all the four arrows (material Exts. I to I/3) and farsa (material Ext. II) in course of his evidence in the court.

Attention of this witness was drawn to the statements of P.W.3, Kishore Kumar, P.W.4, Ramesh Sharma, P.W.7, Asik Lal Sharma, P.W.8, Rama Shankar Sharma and P.W.11, Smt. Lukhni Devi, made before him u/s 161 Code of Criminal Procedure. From their evidence it appears that all the witnesses made statements before him consistent with their evidence in court.

12. On the other hand, defence has examined six witnesses in support of its case. They are Dr. Dashrath Jha (D.W.1), Sri Ganga Sharma (D.W.2), Md. Saidul Rahman (D.W.3), Sushil Kumar Sharma (D.W.4), Bauku Choudhary (D.W.5) and Ganesh Choudhary (D.W.6). D.W.1, Dr. Dashrath Jha and D.W.4 Sushil Kumar Sharma have been examined on the point of alibi of the Appellant, Yogendra Sharma. Their evidence indicates that on 22.3.1997 Yogendra Sharma and Ganesh Sharma had gone to Murliganj in connection with the marriage negotiation and in the very night Yogendra Sharma suffered acute abdominal pain. On 23.3.1997 he was taken to the Sadar Hospital and was treated by Dr. Dashrath Jha (D.W.1). On the advice of the Doctor he remained there till 25th under his treatment on the verandah of the Hospital. On 28.3.1997 after obtaining certificate from the Doctor he came back to his home. On going through the judgment of the trial court vide para 17 it appears that on 23.5.1997 a petition was made by Shahdeo Sharma, father of the accused Yogendra Sharma to Dy. S.R. Saharsa, in which it was mentioned that Yogendra Sharma was hospitalised in Madhepura Hospital on--23.3.1997 and remained for treatment till 3 days. He got fitness certificate on 28.3.1997 from Madhepura Hospital and came back to Saharsa. In the very application it was mentioned that his son was hospitalised in, Murliganj Government Hospital on 23.3.1997 for which certificate was granted by the Doctor.

13. It is clear that as against the direct evidence of a number of witnesses who claimed to have seen the Appellant, Yogendra Sharma, actively participating in the occurrence, the Appellant Yogendra Sharma led poor evidence to show that during the relevant time he was far away from the place of occurrence under treatment of a doctor at Murliganj. The presence of the Appellant, Yogendra Sharma, and his participation in the alleged occurrence is fully established by the prosecution evidence.

14. Learned A.P.P. rightly contended that the defence has not adduced any cogent evidence to accept the plea of alibi. He has placed reliance on the case of Binay Kumar Singh and Ors. v. The State of Bihar reported in 1997 (1) PLJR SC 25:

Appellants took plea of alibi but produced meagre and unsatisfactory evidence in their support...trial court and High Court concurrently repelled plea of alibi after dealing in extenso, with materials produced in Court by Appellants...courts below have rightly discarded plea of alibi in view of unsatisfactory evidence.

In my view also the trial court was justified in not accepting the plea of alibi of the Appellant, Yogendra Sharma.

D.W.2, Gango Sharma, D.W.3, Md. Saidul Rahman, D.W.5, Bauku Choudhary and D.W.6, Ganesh Choudhary have been examined to show that the house of accused, Kari and Triveni is situated at a distance of half K.M. from the house of Ashik Lal Sharma, so, there was no possibility of their participation in the commission of the alleged crime. They have also been examined to support that the father of the deceased and Kari Sharma were working in F.C.I., so, because of union rivalry they have been falsely dragged in this case, but no cogent evidence was produced before the trial court to accept this plea.

15. The learned Counsel for the Appellants contended that the medical evidence is not consistent with the ocular evidence. On post mortem examination Dr. Kishore Kumar Madhup, P.W.6, found lacerated wound (injury No. 1) on the dead body of the deceased caused by hard and pointed weapon such as pointed rod whereas the evidence is that deceased was hit at by an arrow. So, the medical evidence does not support the case of the prosecution.

I do not find any substance in this contention. An arrow is also fitted with the thin pointed iron portion and according to the Doctor the cause of death was specially due to injury No. 1.

16. It was further contended for the Appellants that no independent witness has been examined by the prosecution and the witnesses examined by the prosecution are closely related to each other and to the deceased (Shiv Chandra Sharma). The evidence of the witnesses examined by the prosecution is quite inconsistent with their statements made before the I.O., Rabindra Narayan Pathak, P.W.12, u/s 161 Code of Criminal Procedure so, the trial court should not have accepted their evidence for the sake of conviction of the Appellants. Admittedly all the eye witnesses examined by the prosecution are closely related to each other and the deceased but mere their relationship cannot form the basis to discard their testimony, if otherwise they are found reliable. In a case reported in Ram Sanjiwan Singh and Others Vs. State of Bihar, it has been held that:

The independent witnesses not examined though their statements were recorded by the police would not detract veracity of eye witnesses whose presence on spot was natural and probable.

In this case a very remarkable feature surfaced is the unsatisfactory manner in which investigation was done by the I.O., Rabindra Narayan Pathak, P.W. 12. He for his oblique motive distorted the statements of the witnesses and introduced such variation in their statements, so as to damage the ultimate result of this

case. In this case, in course of investigation the prosecution already made a protest petition against the manner of investigation by the I.O., P.W. 12, but it is very surprising that inspite of the protest against the Investigating Officer the same I.O. proceeded with the investigation of this case and submitted the chargesheet against the accused persons. This is the common state of affairs in the State where perfunctory investigation goes unchecked by the higher police officers. This being the situation it can safely be concluded that the earlier statements of the witnesses recorded by the I.O. P.W.12 appear to be unfair and tampered.

In the case of Baladin and Others Vs. State of Uttar Pradesh, it has been held that:

Ordinarily accused persons are entitled to challenge the testimony of witnesses examined in court with reference to the statements said to have been made by them before the investigating police officer. Statements made by prosecution witnesses before the investigating police officer being the earliest statements made by them with reference to the facts of the occurrence are valuable material for testing the veracity of the witnesses examined in court, with particular reference to those statements which happen to be at variance with their earlier statements but the statements made during police investigation are not-substantive evidence.

Hence the record made by a police investigating officer has to be considered by the court only with a view to weighing the evidence actually adduced in court. If the police record is suspect or unreliable on the ground that it was deliberately perfunctory or dishonest, it loses much of its value and the court in judging the case of a particular accused has to weigh the evidence given against him in court keeping in view the fact that the earlier statements of witnesses as recorded by the police is tainted record and has not as great a value as it otherwise would have in weighing all the material on the record as against each individual accused.

17. I am constrained to remark against the Investigating Officer, Rabindra Narayan Pathak, P.W.12, that he attempted to damage a good case and he does not appear to be responsible police official.

18. Thus, on the basis of the above -discussion, consideration of materials above I come to the conclusion that the prosecution has proved its case against the accused Appellants, beyond all shadow of doubt. I do not find any wrong in the order of conviction recorded by the court below against the Appellants.

19. There is no merit in all these three appeals and hence they are dismissed. The Appellant, Yogendra Sharma, in Cr. Appeal No. 360/2000 is in custody. The Appellant, Kari Sharma and Triveni Sharma in Cr. Appeal No. 331/2000 and the Appellants, Musaharu Sharma, Rajendra Sharma, Mahendra Sharma, Tuntun Sharma, Kankir Sharma @ Kanbir Sharma, Lallan Sharma, Upendra Sharma, Badri Sharma and Raghuni Sharma in Cr. Appeal No. 356/2000 are on bail. Their

bail bonds are cancelled with a direction to surrender before the court below within two months failing which the lower court will take all steps to secure their appearance in this case in order to serve out the sentences imposed upon them.

Let a copy of this judgment be sent to the Director General of Police, Bihar, Patna for needful.

Aftab Alam, J.

I agree.