

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14879 of 2016

Arising Out of PS.Case No. -132 Year- 2014 Thana -KHIJARSARAI District- GAYA

1. Gopal Sharma Son of Late Shyam Sharma resident of village - Dhansingra, P.S. Khijarsarai, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Madan Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-04-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner had sought deletion of this present petitioner i.e. Gopal Sharma, which was permitted by the order dated 14.10.2015 in earlier anticipatory bail application so filed along with another co-accused, bearing Cr. Misc. No. 41534 of 2015.

Learned counsel for the petitioner has filed supplementary affidavit stating therein that the name of the petitioner had been wrongly and inadvertently being deleted as per the submission of the earlier learned counsel for the petitioner. He has also stated in the supplementary affidavit that the petitioner has never been arrested in this case either as on 14.10.2015 or till

today. He further submits that the name of the petitioner has been deleted in the earlier anticipatory bail application without proper instructions of the petitioner and he has not been earlier arrested in the present case nor any case is pending against him..

The petitioner apprehends his arrest in connection with Khijarsari P.S.Case No. 132 of 2014 registered for offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

The prosecution case is that one Arjun Sharma has filed a written information alleging therein that on 04.08.2014 when he came to his house then his full brothers Gopal Sharma, Mohan Sharma and Golu Sharma started assaulting him by lathi and Khanti. It is also alleged that Gopal Sharma assaulted by khanti on the head of the informant and the informant raised alarm thereafter hearing alarm other family members of the petitioners arrived and they were also assaulted by lathi, danda and bricks. It is alleged that the reason behind the occurrence is the partition of property between the parties, who are own brothers.

Learned counsel for the petitioner submits that the informant and the petitioner are full brothers and it is due to property dispute that the said occurrence took place. It has further been submitted that the petitioner has no criminal antecedent, as

stated in para-3 of the present application and some of the co-accused has already been granted the privilege of anticipatory bail by this Court in Cr. Misc. No. 38474 of 2014 and Cr. Misc. No. 41534/2015. The injury inflicted on the informant is also caused by hard blunt substance as per the injury report.

However, the learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and opposes the prayer for bail.

Be that as it may, let the petitioner, above named in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Khijarsarai P.S.Case No. 132 of 2014, subject to the conditions as laid down under section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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