

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16975 of 2016

Arising Out of PS.Case No. -151 Year- 2015 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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1. Rup Narayan Sharma Son of Late Sheochandra Sharma
2. Dharmendra Sharma
3. Upendra Bishwakarma @ Upendra Sharma Both sons of Rup Narayan
Sharma, Resident of village- Parmalpur, P.S.- Bhagwanpur, Distt. Kaimur
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 16-05-2016 Learned counsel for the petitioner submits that petitioner
no. 1 and petitioner 3 namely, Rup Narayan Sharma and Upendra
Bishwakarma @ Upendra Sharma have already been arrested.
Therefore, their anticipatory bail petition has become infructuous.
Accordingly the same is dismissed.

Heard both sides.

The petitioner no. 2 Dharmendra Sharma apprehends his
arrest in Bhagwanpur P.S. Case No. 151/2015, registered for the
offences punishable under Sections 341, 323, 452, 436, 34 of the
Indian Penal Code and Secdtion 3(1)(x)(xi)/2(iii) S.C./S.T.
(Prevention of Atrocities) Act.

The informant alleged that in the night the petitioner and
others entered into her house and assaulted her and others and set

ablaze the straw.

It is submitted that prior to this occurrence, Rup Narayan Sharma the father of the petitioner lodged complaint case no. 1113/2015 against the informant and others. There is a bona fide land dispute. The informant has forcibly encroached upon the land of the petitioner and the informant and her family members did not want to vacate the land.

Learned A.P.P. however vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid and the fact that there is bona fide land dispute between the parties and there is litigation and counter litigation, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur (Bhabhua) in connection with Bhagwanpur P.S. Case No. 151/15, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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