

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50677 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -CHAUSA District- MADHEPURA

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1. Umesh Sharma
2. Kailash Sharma
3. Pulice Sharma
4. Khushilal Sharma @ Kusho Sharma

All sons of late Dori Sharma

5. Rajendra Sharma
6. Lalo Sharma

Both sons of late Radhe Sharma

All resident of village-Sahora Tola, P.S.-Chausa, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Md. Ashlam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are seeking anticipatory bail in connection with Chausa P.S. Case No.69 of 2017 registered for the offences punishable under Sections 147, 149, 341, 323, 354, 379, 380, 504, 436 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that there are general and omnibus allegations against all the accused persons without attributing any specific role to the petitioners in the present case. Learned counsel submits that there is a civil dispute over a piece of land and the present case has been lodged



by the informant only to put pressure upon the petitioners not to press their case for the said land.

Learned APP, while opposing the prayer for anticipatory bail, submits that co-accused Dinesh Sharma has already been granted regular bail by the learned Sessions Judge, Madhepura vide order dated 19.08.2017 passed in B.P. No.918 of 2017 which is evident from the impugned order enclosed with this application.

Considering the nature of allegations and the submissions of the learned counsel for the petitioners that it is a case of civil dispute and the allegations are general and omnibus in nature as also that the co-accused Dinesh Sharma has already been granted regular bail by the learned Sessions Judge, this Court has no reason to believe that if the petitioners surrender in the court below and pray for regular bail, if so advised, the court below shall not consider their case keeping in mind that the co-accused has already been granted regular bail.

The prayer for anticipatory bail is being rejected as learned counsel submits that the petitioners will surrender and seek regular bail in the court below within a period of eight weeks from today. If the petitioners surrender within the said period, the court below shall definitely consider their case keeping in mind



that the co-accused Dinesh Sharma has already been granted regular bail by the learned Sessions Judge.

Another apprehension of learned counsel for the petitioners that the learned Magistrate may not exercise his power for grant of bail because the co-accused has been granted bail by the learned Sessions Judge is not acceptable to this Court.

The application is, accordingly, disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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