

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40958 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- MUFFASIL District- West Champaran

Chhatthu Sharma @ Chathu Sharma S/o Late Mahanth Sharma, R/o Vill.-
Banuchhapar, Ward No. 4, P.S.- Bettiah Muffasil (Banuchhapar O.P.),
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
19.03.2018 in connection with Bettiah (M) Banuchhapar P.S.
Case No. 109 of 2018 registered for the offence punishable
under Sections 147, 148, 149, 188, 308, 447, 504, 506, 353 and
332 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
who is Nazir of the Civil Court, Bettiah is that as per the Court
orders one, Rajendra Shukla was to be delivered possession of
the land for which various employees of the Court as well as
police personnel went to the place where 100 people had
assembled and started obstruction in delivering possession. As



many as nine persons have been named in the First Information Report including the petitioner who obstructed the officials in discharge of their official duty and also damaged the J.C.B. and injured the driver of the J.C.B.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and it was a mob attack and the petitioner was just a passerby and known person of the village, hence, he has been named by the Chawkidar. He submits that general and omnibus allegations have been levelled and the petitioner is more than 60 years of age. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (M) Banuchhappar P.S. Case No. 109 of 2018, subject to the condition that one of



the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J.)

Arjun/Ragini

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