

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69882 of 2018

Arising Out of PS. Case No.-220 Year-2018 Thana- MADHAURAH District- Saran

1. Hare Ram Sharma,
2. Hirdya Nand Sharma,
3. Daya Nand Sharma,
- All are Son of Rabindra Sharma,
4. Manoj Sharma, Son of Rajkumar Sharma,
- All are resident of Village- Siswa Rasulpur, P.S.- Marhaura,
- District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Udai Shankar Singh
For the Opposite Party/s :	Mr. Sri Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 379 and 506 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Sidhnath Singh recorded by A.S.I. of Bhagwan Bazar P.S. on 21.05.2018 at 12.00 noon at Sadar Hospital, Chapra is to the effect that that on the same day at 9.00 A.M., the informant was sitting at his Saw Mill when all nine accused persons including the petitioners came. It is specifically alleged that co-accused Nitya Nand Sharma assaulted with Farsa on the head of the informant and co-accused Raj Kumar Sharma assaulted with dagger on the



back of the informant and when the informant's nephew Ranjan Kumar, Ranjit Kumar and Jai Shankar Kumar came to rescue, they were also assaulted. It is further alleged against petitioner no.4, Manoj Sharma to have snatched Rs.40,000/- from the pocket of Ranjit Kumar.

It is submitted by learned counsel for the petitioners that the accusation of assault is specific against the co-accused persons. The accusation of assault is not specific against the petitioners. It is further submitted that in the background of land dispute, the accusation has been levelled against the petitioners. There is a counter case being Marhaura P.S. Case No. 221 of 2018 filed against the informant's side and the injury of the informant has been found grievous but that has specifically been alleged against co-accused Nitya Nand Sharma and Raj Kumar Sharma. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP and the counsel for the informant submit that the petitioners are named in the FIR with specific accusation.

Considering the fact that accusation of assault is not specific against the petitioners and the genesis of the occurrence being land dispute coupled with the statement made in



paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-8th, Saran at Chapra in connection with Marhaura P.S. Case No. 220 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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