

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19420 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- BIHPUR District- Bhagalpur

1. Ranjeet Sharma, Son of Subodh Sharma, R/o village- Auliabad, P.S.- Bihpur, District- Bhagalpur
2. **Mantu Sharma**, Son of Yugal Sharma @ Yugal Kishore Sharma, R/o village- Auliabad, P.S.- Bihpur, District- Bhagalpur
3. Navin Kumar Mishra, Son of Late Bhola Mishra, R/o village- Auliabad, P.S.- Bihpur, District- Bhagalpur
4. Rahul Raj, Son of Navin Kumar Mishra, R/o village- Auliabad, P.S.- Bihpur, District- Bhagalpur
5. Kamakhya Kumar Mishra @ Kare Mishra, Son of Navin Kumar Mishra, R/o village- Auliabad, P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 22-05-2019 At the outset, learned counsel for the petitioners submits that the anticipatory bail application with respect to petitioner No.2 Mantu Sharma has become infructuous and had been withdrawn earlier.

Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

Petitioner No.1, 3, 4 and 5 are apprehending their arrest in connection with Bihpur (Jhandapur) P.S. Case No.45 of 2019 for allegedly having committed the offence under Sections



147, 148, 149, 308, 504, 506, 354B, 448 and 427 of the Indian Penal Code.

Learned counsel for the petitioners submits that the entire case is false and fabricated and has originated out of a land dispute. It is further submitted that the allegations with regard to Section 354B I.P.C. are also imaginary and there is no such occurrence. It is further submitted that the allegations of assault with pistol, fists and slaps also did not stand substantiated and the levelling of Section 308 is also wholly uncalled for.

Considering the aforementioned facts and circumstances and that it appears that there has been some dispute between the parties wherein the husband of the informant was forcibly trying to capture some land, which was resisted by the petitioners and that these petitioners have no criminal antecedents whereas the said Rahul Raj is said to be a handicapped person, let petitioner nos.1, 3, 4 and 5, namely, Ranjeet Sharma, Navin Kumar Mishra, Rahul Raj, Kamakhya Kumar Mishra @ Kare Mishra, respectively, in the event of their 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, be released on bail



on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st Naugachia, Bhagalpur, in connection with Bihpur (Jhandapur) P.S. Case No.45 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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