

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32541 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- SIKARPUR District- West Champaran

1. Sanjay Sharma, Son of Visheshwari Sharma, Resident of village- Dhunnagar, Laligadarhi, P.S.- Shikarpur, District- West Champaran.
2. Bindeshwar Sharma @ Bindeshwari Sharma Son of Nanda Sharma, Resident of village- Dhunnagar, Laligadarhi, P.S.- Shikarpur, District- West Champaran.
3. Vishwajit Sharma, Son of Sanjay Sharma, Resident of village- Dhunnagar, Laligadarhi, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-05-2019 Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No. 1, namely, Sanjay Sharma.

In view of the above submission, the application filed on behalf of the petitioner No.1, namely, Sanjay Sharma is dismissed as withdrawn.

Heard learned counsel appearing on behalf of petitioner 2 & 3 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Shikarpur P.S. Case no. 30 of 2019, registered under Sections 147, 323, 353, 427, 504 and 188 of the Indian



Penal Code.

The accusation is that informant being the Circle Inspector, Narkatiyaganj Circle was deputed as Executive Magistrate to remove the encroachment in connection with Encroachment Case No. 11 of 2017-18. Accordingly, informant along with other officials reached at the place of occurrence in village- Dhumnagar, where six persons, named in the F.I.R. including the petitioners and 100 unknown created nuisance in removing the encroachment and also made attempt of attack on the informant and others.

Learned counsel appearing on behalf of petitioner Nos. 2 and 3 submits that, although, both the petitioners are named in the F.I.R., but no specific overt act has been attributed against the petitioners. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner No.2, Bindeshwar @ Bindeshwari Sharma and 3, Vishwajit Sharma be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief



Judicial Magistrate, West Champaran, Bettiah in connection
with Shikarpur P.S. Case No. 30 of 2019, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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