

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38128 of 2019
Arising Out of PS. Case No.-102 Year-2018 Thana- HASANPUR District-
Samastipur

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1. Jitendra Sharma Gender male, aged about 37 years Son of Ram Raji Sharma
 2. Dhanraj Sharma Gender male, aged about 18 years Son of Ram Raji Sharma
 3. Madan Sharma Gender male, aged about 46 years Son of Ram Ovtar Sharma
 4. Santosh Sharma @ Santosh Kumar Sharma Gender male, aged about 28 years Son of Madan Sharma
 5. Anil Sharma @ Anil Kumar Sharma Gender male, aged about 25 years Son of Madan Sharma
 6. Vijay Kumar Sharma @ Vijay Sharma Gender male, aged about 25 years Son of Ram Raji Sharma
All resident of Village-Fulhara, Post-Gita Deodha, P.S.- Hasanpur, District - Samastipur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sujit Kumar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147,148, 149, 341, 323, 325, 307 and 506 of the Indian Penal Code registered in connection with Hasanpur P.S. Case No. 102 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute. The present FIR has been lodged in retaliation to earlier FIR lodged by the petitioners' side in Complaint Case No. 589 of 2016. The accusation of assault is general and omnibus in nature without any specific accusation attributed individually to the petitioners. Similarly situated accused persons, namely, Ramkrit Sharma, Ram Balak Sharma and Chandan Sharma, have been granted anticipatory bail by the learned Sessions Judge (Camp at Rosera), District Samastipur vide order dated 04.05.2019



passed in ABP No. 72-C of 2019. Statement is made at the Bar that the injuries sustained by the informant's side are simple in nature. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-3rd, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 102 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioners shall be confirmed upon verification by the learned court below that the injuries sustained by the informant and others are not grievous in nature, failing which their bail bonds shall stand automatically cancelled.

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(Vikash Jain, J)

