

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44064 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- BHARGAMA District- Araria

1. Gulam Chandra Sharma @ Gulab Chand Sharma, Son of Late Kusum Lal Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
2. Ranjeet Sharma @ Ranjeet Chaupal, Son of Gulab Chand Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
3. Ramdeo Sharma, Son of Late Mohan Lal Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
4. Satyanarayan Sharma, Son of Late Mohan Lal Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
5. Mukesh Sharma, Son of Satyanarayan Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
6. Dileep Sharma, Son of Ramdeo Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
7. Subhash Sharma, Son of Ramdeo Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
8. Kuldev Sharma, Son of Late Radha Mohan Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.
9. Sunil Sharma @ Sushil Sharma, Son of Kuldev Sharma, Resident of Village- Sukela, P.S.- Bhargama, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-09-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking
anticipatory bail in connection with Bhargama P.S. Case No. 50
of 2019 registered for the offences punishable under Sections



341, 323, 324, 307, 436, 354, 504, 506 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that there are general and omnibus allegations of assault against the petitioners. It is also submitted that the petitioners and the informant have got land dispute and both the sides have lodged case against each other giving different version of the occurrence.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that in course of investigation Police has found from the independent witnesses that the petitioner no. 1 had given a farsa blow on the chest of Durganand Sharma and thereafter Satyanarayan Sharma (Petitioner No. 4) had also assaulted the said injured victim. So far as the other petitioners are concerned, there are general and omnibus allegations that they had also assaulted the informant side.

Considering the facts and circumstances of the case, wherein in course of investigation Police has found the occurrence against the petitioner nos. 1 and 4 and they are said to have actively participated in causing assault by deadly weapons, their prayer for anticipatory bail is rejected.



In case they surrender and pray for regular bail, their prayer for regular bail shall be considered by the court below without being prejudiced by the orders of this Court.

So far as petitioner nos. 2, 3, 5, 6, 7, 8 and 9 are concerned, since there are general and omnibus allegation against them, let in the event of their arrest or surrender within a period of four weeks from today, the petitioner nos. 2, 3, 5, 6, 7, 8 and 9 abovenamed be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 50 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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