

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70857 of 2018

Arising Out of PS. Case No.-98 Year-2018 Thana- TIKAPATTI District-
Purnia

- =====
1. Bishundeo Sharma @ Bhishnudeo Sharma
 2. Bilas Sharma,
 3. Lakshman Sharma, All are S/o Late Jadu Sharma,
 4. Bhudeo Sharma, S/o Bishundeo Sharma,
 5. Kasturi Sharma, S/o Late Khumali Sharma,
 6. Parmanand Sharma, S/o Kasturi Sharma,
 7. Manjura Devi, W/o Bilas Sharma,
- All are resident of Village- Chharrapatti, Kauakol Pratap Nagar Nagrah
Basa, P.S.- Tikapatti, District- Purnea.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-01-2019 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, 302 of the Indian Penal Code registered in connection with Tikapatti P.S. Case No. 98 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of admitted land dispute as evident from Case No. 28 of 2013-14 as well as Mutation Revision Case No. 45/2015-16 are going on between the parties. The



petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant oppose the anticipatory bail petition. It is submitted on the basis of case diary that there is specific accusation against petitioner nos. 1 and 4 namely Bidhundeo Sharma @ Bhishnudeo Sharma and Bhudeo Sharma and Jaldhar Sharma, not the petitioner of having assaulted the deceased.

5. Considering the specific material in the case diary against the Bishundeo Sharma and Bhudeo Sharma (petitioner nos. 1 and 4), this Court is not inclined to grant the privilege of bail to the petitioner nos. 1 and 4. The anticipatory bail petition of petitioner nos. 1 and 4 stands dismissed.

6. Be that as it may, as regards the petitioner nos. 2, 3, 5, 6 and 7, namely, Bilas Sharma, Lakshman Sharma, Kasturi Sharma, Parmanand Sharma, Manjura Devi, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Purnea in connection with Tikapatti P.S. Case No. 98 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners



shall be their close relatives other than the petitioner herein.

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

(iii) 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.

(iv) The petitioner nos. 2, 3, 5, and 6 shall remain physically present and petitioner no. 7 shall be well represented 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.

(Vikash Jain, J)

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