

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65642 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

1. MADAN BHAGAT @ MADAN SHARMA (Male), aged about 46 years, Son of Late Gyan Bhagat,
2. Birendra Bhagat @ Virendra Bhagat, (Male), aged about 45 years, Son of Late Gyan Bhagat,
Both Resident of Village- Bhatwa Prashuram, (Bhathwan Parshuram), Police Station- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Lokesh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Indrajeet Bhushan, Adv.
For the State	:	Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

Prosecution case is that the informant Ramchandra Sharma, launched prosecution, presenting written report, stating therein that on 25.05.2019 at 7.30 a.m. he was putting pillar over his land in Khata No. 247, plot no. 559 area 3 Katha, the accused persons named in the FIR who were ambushed since before having armed came there and by hurling abuses exhorted



to flee from there and threatened to do away his life. On hearing hulla his son Haresh Sharma, his brothers, Shambhu Sharma, Hari Sharma, Dilip Sharma, Vidhya Sharma rushed there, then all the accused persons began assaulting with Lathi, Danda, Farsa and spade and accused Raja Bhagat gave Farsa blow upon Dilip Sharma on his head with a view to do away his life causing fracture injury and he fell down and accused Lal Babu Bhagat gave Farsa blow on Hari Sharma causing injury on head and back and he also fell down and accused Madan.

Learned counsel for the petitioners submits that there is specific allegation against the petitioner no. 1 is that he has assaulted to one Vidhya Sharma by means of butt of spade upon his leg causing fracture injury whereas there is no allegation of assault against the petitioner no. 2. There is land dispute between the parties.

Learned counsel for the petitioners further submits that there is no specific allegation the petitioner no. 2.

In the aforesaid facts and circumstances of the case, let the petitioner no. 2, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Gopalganj, in connection with Kuchaikote P.S. Case No. 147 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

However, there is specific allegation against petitioner no. 1 therefore, I am not inclined to grant anticipatory bail to the petitioner no. 1. Anticipatory bail application of the petitioner no. 1 is dismissed.

(Anjani Kumar Sharan, J)

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