

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6316 of 2020**

Arising Out of PS. Case No.-158 Year-2019 Thana- DAUDNAGAR District- Aurangabad

1. BINAY KUMAR SHARMA @ RAM BINAY KUMAR SHARMA Son of Late Raj Balam Sharma Resident of Village- Shamsdernagar, P.S.- Daudnagar and District- Aurangabad (Bihar).
2. Anand Kumar @ Anant Kumar Son of Binay Kumar Sharma @ Ram Binay Kumar Sharma Resident of Village- Shamsdernagar, P.S.- Daudnagar and District- Aurangabad (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Verma, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-09-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State in absence of Mr. Dashrath Mehta, learned A.P.P.

The petitioners in the present case are seeking pre-arrest bail in connection with Daudnagar P.S. Case No. 158 of 2019 registered for the offences punishable under Sections 341, 323 and 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the parties are admittedly having a land dispute and a title suit is going on between the parties. It is his submission that in course of the land dispute as an altercation took place, the informant fell down on the tree and sustained injuries whereafter both the



petitioners have been falsely implicated in this case. Learned counsel has referred the written version of the wife of petitioner no. 1 as contained in Annexure '2' wherein she has stated that there was a scuffle between her husband and the informant wherein the informant fell down on the Munga Tree and suffered injury. It is submitted that the son of petitioner no. 1 has also been implicated in this case.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that as per the First Information Report both the petitioners had assaulted the informant and even if the statement of the wife of petitioner no. 1 is taken into consideration the scuffle between petitioner no. 1 and informant is admitted. The informant has suffered one grievous injury which has come in paragraph '38' of the supplementary case diary. It is a fracture in the right side of nasal bone with soft tissue edema. It is thus submitted that in any case petitioner no. 1 does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, the materials noticed by this Court from which it appears that in the scuffle between the petitioner no. 1 and the informant the informant has suffered injury which is grievous in nature, I



am not inclined to grant privilege of anticipatory bail to petitioner no. 1.

Prayer for anticipatory bail of petitioner no. 1 is, thus, refused.

In case petitioner no. 1 surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered independently keeping in view that both the parties are having a land dispute and the court below shall not refuse to grant bail only on the ground that this Court has not granted anticipatory bail to petitioner no. 1 and shall take independent consideration.

So far as petitioner no. 2 is concerned, there is no specific allegation against him, let the petitioner no. 2 above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Daudnagar P.S. Case No. 158 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, subject to the conditions 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.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

