

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5904 of 2020**

Arising Out of PS. Case No.-49 Year-2017 Thana- BIHPUR District- Bhagalpur

SHANKAR SHARMA Son of Late Saryug Sharma. Resident of Village-
Paharpur, P.S.- Bihpur, District- Bhagalpur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Alka Singh, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-07-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Bihpur (Bhawanipur) P.S. Case No. 49 of
2017 registered for the offence punishable under Sections 147,
148, 149, 341, 323, 308, 379, 504 and 506/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. It is submitted
that there is case and counter case and the so called injury is
simple in nature and the same might have been caused in
another manner when scuffle took place between the parties in
course of measurement of land.

Learned APP for the State has opposed the prayer for
anticipatory bail of the petitioner.



Having regard to the facts and circumstances of the case wherein there is specific allegation against the petitioner that he had assaulted the informant by iron rod from the back on his head causing injury and the same finds support from the injury report as observed by learned 5th Additional Sessions Judge, Bhagalpur in the impugned order, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is thus, refused.

However, considering that there is case and counter case between the parties which is said to have arisen out of land dispute, in case the petitioner surrenders and prays for regular bail within a period of four weeks from today the same will be considered by the learned court below keeping in view the aforesaid aspects of the matter, his prayer for regular bail shall be considered without being prejudiced by the order of this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

