

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6342 of 2020**

Arising Out of PS. Case No.-95 Year-2019 Thana- ALAMNAGAR District- Madhepura

1. GORELAL SHARMA Son of Late Sitavi Sharma Resident of Village - Kishanpur, Ratwara, P.S.- Alamnagar O.P. (Ratwara), District - Madhepura.
2. Mako Sharma @ Manohar Sharma Son of Late Sitavi Sharma Resident of Village - Kishanpur, Ratwara, P.S.- Alamnagar O.P. (Ratwara), District - Madhepura.
3. Vibhesh Kumar @ Vivek Kumar @ Parmanand Kumar @ Vivek Kumar Sharma @ Parmanand Kumar Sharma Son of Sudhir Sharma Resident of Village - Kishanpur, Ratwara, P.S.- Alamnagar O.P. (Ratwara), District - Madhepura.
4. Manish Kumar Son of Sudhir Sharma Resident of Village - Kishanpur, Ratwara, P.S.- Alamnagar O.P. (Ratwara), District - Madhepura.
5. Bidio Kumar Son of Sudhir Sharma Resident of Village - Kishanpur, Ratwara, P.S.- Alamnagar O.P. (Ratwara), District - Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, A.P.P.

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

4 22-09-2020 Heard learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Alamnagar (Ratwara) P.S. Case No. 95 of 2019 registered for the offences punishable under Sections 379, 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the present case has been lodged on account of land dispute which



fact has come in course of investigation. It is submitted that as per allegations these petitioners along with co-accused Sudhir Sharma had gone on the alleged piece of land and there they had looted the wheat crops and fled away. The allegation of firing has been specifically made against Sudhir Sharma who is not petitioner before this Court. So far as these petitioners are concerned, there is no allegation that they had opened fire.

It is further submitted that no injury has been caused to anybody in the alleged occurrence and it is a case of false and over implications wherein these petitioners have been made accused because of the land dispute. Learned counsel further submits that although there are two cases against the petitioners and one of the cases has been lodged by the informant on account of land dispute in which petitioners are on bail. It is reiterated by learned counsel that though statement has not been made in paragraph '3' of the application but he has instruction to say that the petitioners are on bail in the said cases.

Learned A.P.P. for the State though opposed the prayer for anticipatory bail of the petitioners but considering that it is a case of land dispute and the allegation of firing is only against Sudhir Sharma who is not before this Court and in the alleged occurrence no injury has been caused to anybody, as



also that the petitioners have though two cases on their head in which one of the cases has been lodged by the informant and they are on bail in both the cases, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Alamnagar (Ratwara) P.S. Case No. 95 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Udakishunganj, Madhepura, 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.

Before accepting the bail bond, the learned court



below shall verify that the petitioners are on bail in the two cases stated in paragraph ‘3’ only then the bail bond shall be accepted.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

