

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1739 of 2020

Arising Out of PS. Case No.-134 Year-2020 Thana- PALIGANJ District- Patna

1. Ajay Kumar @ Ajay Sharma, aged about 45 years, Gender - Male
2. Vijay Kumar @ Munna Sharma, aged about 43 years, Gender - Male
3. Vikash Kumar @ Vikash Sharma, aged about 35 years, Gender – Male, all are sons of Shri Ram Jhalak Sharma, resident of Village- Kadara, Police Station- Paliganj, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : None

For the State : Mrs.Usha Kumari No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2021 Nobody appears on behalf of the appellants. Learned counsel for the State is present.

The appeal is against the order dated 19.06.2020 passed by learned Additional Judge-VIII-cum-Special Judge, Patna (SC/ST) Act in A.B.P. No.2782 of 2020, whereby the Anticipatory Bail Petition of the appellant in connection with Special Case No.174 of 2020 arising out of Paliganj P.S. Case No.134 of 2020 registered for the offences punishable under Sections 341, 323, 324, 379, 307, 504 & 34 of the Indian Penal Code and Sections 3 (Z), (VII) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case is that informant gave a written report to SHO, Paliganj, alleging therein that on the date of alleged occurrence at about 4.00 P.M., the informant was at his



house. In the meantime, the accused/ appellants Ajay Sharma, Munna Sharma, Vikash Sharma, all sons of Jhalak Sharma, resident of village Kadara, P.S. Paliganj, District- Patna, holding asrms in their hands arrived at the house of the informant. The accused/ appellants abused the informant taking his name in caste line when the informant forbade them from abusing then the accused/ appellant Ajay Sharma with intention to kill hurled a Pharsa on the head of the informant due to which the informant fell down on the earth. The accused/ appellants Munna Sharma and Vikash Sharma beaten the informant with iron rod with intention to kill. Further case of the prosecution is that when the informant's son Ranjit and Ranjay came there to rescue whose father (informant of the case). The accused/ appellant Ajay Sharma give Pharsa blow with intention to kill him when the informant son Ranjit forbade him to do so with his hand Pharsa blow his finger sustain cut injury. The accused/ appellant Ajay Sharma took away 1500/- rupees from the pocket of the informant. The accused/ appellant Munna Sharma snatched Golden chain of the informant. On halla, the villagers assembled there and the informant was brought to the hospital for treatment. The motive behind the occurrence is said to be land dispute between rival parties.



I have perused the record and on perusal of the case diary, it is admitted fact that there is land dispute between the parties. There is case and counter case between the parties and the injuries are simple in nature.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Additional Judge-VIII-cum-Special Judge, Patna (SC/ST) Act in connection with Special Case No.174 of 2020 arising out of Paliganj P.S. Case No.134 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 19.06.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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