

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36263 of 2020

Arising Out of PS. Case No.-438 Year-2020 Thana- SAHARSA SADAR District- Saharsa

1. Bateshwar Sharma @ Vateshwar Sharma son of Late Manak Sharma resident of village- Korlahi, Ward no. 39, P.s. and District- Saharsa
2. Bhim Sharma son of Bhuneshwar Sharma @ Guneshwar Sharma resident of village- Korlahi, Ward no. 39, P.s. and District- Saharsa
3. Arjun Sharma son of Bhuneshwar Sharma @ Guneshwar Sharma resident of village- Korlahi, Ward no. 39, P.s. and District- Saharsa
4. Sentu Sharma @ Sintu Sharma son of Bateshwar Sharma resident of village- Korlahi, Ward no. 39, P.s. and District- Saharsa
5. Bhuneshwar Sharma @ Guneshwar Sharma son of Late Manak Sharma resident of village- Korlahi, Ward no. 39, P.s. and District- Saharsa
6. Vijay Sharma son of Late Chhotelal Sharma resident of village- Korlahi, Ward no. 39, P.s. and District- Saharsa
7. Namani @ Namani Sharma @ Nemani Sharma son of Bhuneshwar Sharma @ Guneshwar Sharma resident of village- Korlahi, Ward no. 39, P.s. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha
		Mr. Subesh Sharma
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 28-10-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Saharsa Sadar P.S. Case No. 438/2020 registered for the offences punishable under Sections 147/148/149/447/341/323/324/307/379/504/506 of the Indian Penal Code.

The allegation against the petitioners is of entering the house of the prosecution party and they have assaulted the



family members of the informant indiscriminately causing injuries on their body.

Learned counsel for the petitioners submits that these allegations are false and the occurrence took place only because of land dispute between the parties and there is a counter case also.

I have gone through the records of the case including the case diary.

Altogether, four persons are accused on the side of the prosecution out of which, one is a lady and two persons are senior citizens.

In these circumstances, the occurrence is not in dispute.

Considering the entirety of the case, I am not inclined to grant anticipatory bail to these petitioners except petitioners No. 1 and 5.

As such, the present anticipatory bail application filed on behalf of **Petitioners No. 2, 3, 4, 6 and 7 is rejected.**

So far as petitioner No. 1 (Bateshwar Sharma @ Vateshwar Sharma) and Petitioner No. 5 (Bhuneshwar Sharma @ Guneshwar Sharma) are concerned, they are aged persons and it seems that they may not be involved in the assault on the



prosecution side, they be granted the privilege of anticipatory bail.

In view of the aforementioned facts and circumstances, **let the Petitioners No. 1 and 5**, above named, be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 438/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sandeep Kumar, J)

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