

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4602 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- JOGAPATTI District- West Champaran

1. Kishor Sharma, aged about 38 years, male, Son of Sukai Sharma
 2. Birjhan Sharma, aged about 62 years, male, Son of Late Bindeshwari Sharma
 3. Chhathu Sharma, aged about 36 years, male, Son of Birjghan Sharma
 4. Gamha Sharma, aged about 28 years, male, Son of Yogendra Sharma
 5. Sukai Sharma, aged about 60 years, male, Son of Late Bindeshwari Sharma
- All are resident of Village - Nawalpur, P.S. - Yogapatti (Nawalpur), Distt. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basistha Narayan Mishra, Adv.
For the Informant	:	Ms. Aprajita, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 10-12-2021 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Yogapatti (Nawalpur) P.S. Case No. 174 of 2020, dated 11.05.2020, instituted for the offences under Sections 341, 323, 379, 436, 447, 504, 506 and 34



of the Indian Penal Code.

The accusation in the F.I.R. is of setting fire to the house and taking away the belongings of the informant and his family members. There is an allegation of assault and temporary confinement as well.

It has been submitted on behalf of the petitioners that the accusations are absolutely false. In fact, there was an occurrence because of a dispute over dumping of garbage in a *gairmajarua* land situated in front of the house of the informant. It has further been submitted that the accusation of setting fire to the house is incorrect. Some thatched house may have been burnt, but it was not at the instance of the petitioners.

Ms. Aprajita, the learned counsel for the informant, on the other hand has submitted that the statement made by the petitioners in paragraph 3 of the bail application relating to the criminal antecedents of petitioner Nos. 1 and 5 is incorrect. It has been stated in paragraph 3 of the bail application that petitioner Nos. 1 and 5 do not have criminal antecedents, but the fact is that they had been convicted in



a case for which they were tried.

Mr. Mishra, the learned Advocate for the petitioner, in response to the aforesaid statement, has submitted that the statement made in paragraph 3 of the application is somewhat erroneous but he has explained it in the supplementary affidavit that in the aforesaid case, after the conviction, the petitioner Nos. 1 and 5 were given the benefit of Probation of Offenders Act, 1958

Be that as it may, regard being had to the fact that even in the earlier case, the same parties were involved and there being nothing specific in the present/subject F.I.R., I am inclined to grant the privilege of anticipatory bail to the petitioners.

The petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti



(Nawalpur) P.S. Case No. 174 of 2020, subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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