

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1574 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- AMARPUR District- Banka

1. Abadh Kishor Sharma S/o Late Munilal Sharma Resident of Vill.- Mahauta, P.S.- Amarpur, Distt.- Banka.
2. Mukesh Sharma S/o Abadh Kishor Sharma Resident of Vill.- Mahauta, P.S.- Amarpur, Distt.- Banka.
3. Raman Sharma S/o Late Naresh Sharma Resident of Vill.- Mahauta, P.S.- Amarpur, Distt.- Banka.
4. Sharwan Sharma S/o Naresh Sharma Resident of Vill.- Mahauta, P.S.- Amarpur, Distt.- Banka.
5. Umesh Sharma S/o Late Munilal Sharma Resident of Vill.- Mahauta, P.S.- Amarpur, Distt.- Banka.
6. Sanjeev Sharma S/o Umesh Sharma Resident of Vill.- Mahauta, P.S.- Amarpur, Distt.- Banka.
7. Anjeev Sharma S/o Umesh Sharma Resident of Vill.- Mahauta, P.S.- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-11-2021 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to



do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 323, 338, 379, 427, 447, 504 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by learned counsel for the petitioners that petitioner No. 3 namely Raman Sharma has been arrested. Hence, he seeks permission to withdraw the application with regard to petitioner No. 3.

Permission is accorded.

Accordingly, the application with regard to petitioner No. 3 is permitted to be withdrawn.

It is alleged in the F.I.R that in the background of land dispute between the parties, the accused persons including the petitioners came at the door of the informant and started firing. It is specifically alleged that petitioner No. 2/Mukesh Sharma fired from his pistol which hit the informant and he fell down and when the



brother of the informant Priya Ranjan came to his rescue, petitioner No. 2 again fired from his pistol which also hit brother of the informant Priya Ranjan. The other accused persons also assaulted the family members of the informant with bricks and damaged washing machine.

It is submitted by learned counsel for the petitioners that there is counter version of the occurrence also and the case lodged by the petitioners' side is at earlier point of time. Moreover, in the background of some land dispute the occurrence has taken place in which both sides received injuries.

Since there is direct allegation against petitioner No. 2/Mukesh Sharma, this Court is not inclined to grant privilege of anticipatory bail to the petitioner No. 2. His prayer for anticipatory bail is rejected.

However, if the petitioner No. 2 surrenders before the Court below within a period of six weeks from today and pray for regular bail, the learned Court below



will consider the regular bail of the petitioner No. 2 without being prejudiced by the order of this Court.

So far as other petitioners are concerned, since there is omnibus and general allegations against them, let the petitioners, above named, except petitioner Nos. 2 and 3, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 143 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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