

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- GHOSI District- Jehanabad

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1. PAPPU SHARMA Son of Rajendra Sharam Resident of Village- Lodipur, P.S.- Hulasganj, District- Jehanabad.
 2. Rajendra Singh @ Rajendra Sharma Son of Late Hrivansa Singh Resident of Village- Lodipur, P.S.- Hulasganj, District- Jehanabad.
 3. Divakar Kumar Son of Umesh Sharma Resident of Village- Lodipur, P.S.- Hulasganj, District- Jehanabad.
 4. Gautam Kumar Son of Dilip Kumar Resident of Village- Lodipur, P.S.- Hulasganj, District- Jehanabad.
 5. Dilip Kumar Son of Dinesh Sharma Resident of Village- Lodipur, P.S.- Hulasganj, District- Jehanabad.
 6. Dinesh Sharma Son of Late Hariwansa Singh Resident of Village- Lodipur, P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Sharma

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 13-12-2021 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, the petitioner no.1 Pappu Sharma has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw the application as against petitioner no.1.

In view of the aforesaid submission, the application is dismissed as withdrawn as having become infructuous, as



against petitioner no.1.

Heard the learned counsel for the petitioner nos. 2 to 6 and learned APP for the State.

The petitioner nos 2 to 6 apprehend their arrest for the offences alleged under Sections 341, 435, 427, 307 and 379/34 of the Indian Penal Code and Section 27 of the Arms Act, registered in connection with Ghosi P.S.Case No. 109 of 2020.

As per the FIR, when the informant was coming with engine set loaded on the tractor to his house, all the 14 FIR named accused persons and 10-15 unknown persons opened indiscriminate firing on the informant. The informant fled away after leaving his tractor, which was set on fire by the accused persons.

Learned counsel for the petitioners has submitted that prior to this occurrence one Mohar Manjhi had lodged a case being Hulasganj P.S.Case No. 51 of 2020 (Annexure-2, in which the present informant along with other co-accused persons have been named in the FIR and there is allegation in that FIR that the accused persons were excavating sand illegally in the field of the informant Mohar Manjhi. On protest of Mohar Manjhi, the police came there and recovered the tractor and trolley



which was damaged by the villagers. The police also recovered some blank cartridges from the place of occurrence.

So far as other petitioner nos. 2, 3, 4, 5 and 6, named above are concerned, considering the fact that prior to the present case already a case has been lodged against the informant of the present case for illegal excavation of sand on the land of Mohar Manjhi, let them in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No.109 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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