

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13351 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- BELDOUR District- Khagaria

1. GOPAL SHARMA Son of Late Bharat Sharma Resident of Village- Telihar, P.S.- Beldaur, District- Khagaria.
2. Jalo Sharma @ Janardan Sharam Son of Late Bharat Sharma Resident of Village- Telihar, P.S.- Beldaur, District- Khagaria.
3. Rajesh Sharma @ Rajesh Kumar Son of Sogarath Sharma Resident of Village- Telihar, P.S.- Beldaur, District- Khagaria.
4. Chhatish Sharma @ Satish Kumar Son of Sogarath Sharma Resident of Village- Telihar, P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners submits that during pendency of the present anticipatory bail application petitioner no.4, Chhatish Sharma @ Satish Kumar was arrested as such the anticipatory bail application against him has become infructuous, thus seeks permission to withdraw the anticipatory bail application against the petitioner no.4.

Permission is accorded.

The petitioner nos. 1, 2 and 3 apprehend their arrest in



a case registered for the offences punishable under Sections 147, 148, 447, 341, 323, 307, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 04.11.2021 at about 9:30 pm the F.I.R. named accused persons, including the petitioners, were bursting crackers which was objected by the informant on which they started abusing him and also made firing towards his house, it is next alleged that the accused persons assaulted the father of the informant with *lathi-danda* and spade and accused Bablu Sharma gave spade blow on the head of the father of the informant and when the informant went to rescue his father he was also assaulted along with his cousin Manoj Kumar and Bechan Singh by the accused persons.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that on a trivial issue the entire occurrence took place, it is next submitted that though it is alleged that firing also took place but no empty cartridge was recovered from the place of occurrence and the allegation of firing was made only to give a serious colour to the case. Learned counsel further submits that



the injuries of the injured are simple in nature as would manifest from Annexure-3 series to the anticipatory bail application, it is next submitted that Beldaur P.S. Case No. 261 of 2021 was also instituted from the side of the present petitioner as such the present F.I.R. is a counter blast to Beldaur P.S. Case No. 261 of 2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1, 2 and 3, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Beldaur P.S. Case No. 262 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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