

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26950 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- RAFIGANJ District- Aurangabad

1. ANUJ KUMAR SHARMA SON OF SHIVJATAN SHARMA R/O- VILL-THAKURAR, P.S.- RAFIGANJ, DIST- AURANGABAD
2. ANKIT KUMAR SON OF ARUN SHARMA R/O- VILL-THAKURAR, P.S.- RAFIGANJ, DIST- AURANGABAD
3. ANIL KUMAR SHARMA SON OF SHIVJATAN SHARMA R/O- VILL-THAKURAR, P.S.- RAFIGANJ, DIST- AURANGABAD
4. ARUN KUMAR SHARMA SON OF SHIVJATAN SHARMA R/O- VILL-THAKURAR, P.S.- RAFIGANJ, DIST- AURANGABAD
5. CHANDAN KUMAR SON OF ANIL SHARMA R/O- VILL-THAKURAR, P.S.- RAFIGANJ, DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Adv
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-07-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Vide order dated 22.06.2022, this application with regard to petitioner no. 4 was dismissed as withdrawn.

After some arguments, learned counsel for the petitioners



seeks permission to withdraw this application with regard to petitioner nos. 1, 3 and 5.

Permission is granted.

Accordingly, the instant application as against petitioner nos. 1, 3 and 5 is dismissed as withdrawn.

However, petitioner nos. 1, 3 and 5 are directed to surrender before the learned Court below and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

Now, this application is being heard only with regard to petitioner no.2.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and later on added section 302 of the Indian Penal Code.

Allegedly, the petitioner along with other co-accused persons assaulted the informant and his son by means of several weapons due to which the son of the informant died.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to enmity and grudge. No such occurrence, in the manner as alleged, has ever



taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. There is no specific overt act against the petitioner. Petitioner is 18 years old boy. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner let the above named petitioner no.2 be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Rafiganj P.S. Case No. 134 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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