

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23377 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- BHAPTIAHI District- Supaul

1. TEJ NARAYAN SHARMA @ TEJ NARAYAN KUMAR SON OF UPENDRA SHARMA R/O VILLAGE- GADHIYA, JHILLA DUMRI, P.S.- BHAPTIYAH, DISTRICT- SUPAUL
2. ASHOK SHARMA @ ASHOK KUMAR SON OF MUNAR SHARMA R/O VILLAGE- GADHIYA, JHILLA DUMRI, P.S.- BHAPTIYAH, DISTRICT- SUPAUL
3. MONI SHARMA @ MAUNI SHARMA @ DEO NARAYAN KUMAR SON OF MUNAR SHARMA R/O VILLAGE- GADHIYA, JHILLA DUMRI, P.S.- BHAPTIYAH, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 At the outset, the learned counsel for the petitioners seeks permission on behalf of the petitioner No.1 to withdraw the present petition, in order to enable him to surrender before the learned trial Court, within a period of four weeks from today and avail the privilege of regular bail. Permission so sought is granted.

The petition stands dismissed as not pressed qua the petitioner no.1.

Heard the learned counsel for the petitioners and learned APP for the State.



This is an application for grant of anticipatory bail in connection with Bhaptiyahi P.S. Case No.157 of 2022, registered for offences under Sections 341, 323, 324, 354a, 379, 307 and 34 of the IPC.

The case of the prosecution, in brief, is that on the alleged date and time of the occurrence, the petitioner no.1 was cutting the raised mud boundary of the field of the informant, whereupon the informant had arrived there and protested to the said act of the petitioner no.1, whereafter the petitioner no.1 had called the other co-accused persons, including the petitioners no.2 and 3 and then the petitioner no.1 had assaulted the informant by lathi (stick), resulting in him receiving serious injuries. Thereafter, the family members of the informant had arrived there in order to save the informant, whereupon the petitioner no.3 had engaged in misconduct with the wife of the informant and then it is alleged that accused persons had snatched a sum of Rs.40,000/- and fled away.



The learned counsel for the petitioners has submitted that the petitioners no.2 and 3 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no.2 and 3 has further submitted that as far as the petitioner no.2 is concerned, he is not alleged to have assaulted anyone and as far as the petitioner no.3, is concerned, a superficial allegation has been levelled, hence atleast petitioners no.2 and 3 be granted privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners no. 2 and 3 are not stated to have engaged in any sort of specific overt act qua the informant or his family members, apart from



the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners no.2 and 3 to the privilege of anticipatory bail.

Accordingly, the above named petitioners no.2 and 3 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S. Case No.157 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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