

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62454 of 2023

Arising Out of PS. Case No.-106 Year-2021 Thana- JAMOBABAZAR District- Siwan

Ritesh Kumar Sharma @ Nitesh Kumar Sharma @ Nitesh Kumar Son Of
Khurkhur Sharma Resident Of Village- Baldiha, Ps- Jamo Bazar, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-10-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Jamo Bazar P.S. case No. 106 of 2021 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the Indian Penal Code.

3. The allegation in the F.I.R. is that when the accused persons were trying to remove a pillar affixed about two months back, on objection raised by the informant's side, they have indiscriminately assaulted the informant and others.

4. The learned counsel for the petitioner submits that as is obvious from the F.I.R., the occurrence arises out of a trivial issue regarding affixing of a pillar on the disputed land. Both sides have sustained injuries in the scuffle which took



place. From the side of accused persons, one Bharat Sharma has sustained injuries, copy of the report is Annexure-P/3 to the anticipatory bail application. The petitioner has no antecedent.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, the manner of occurrence, injury report (Annexure-3) and petitioner's clean antecedent as also the fact that the informant, who, the petitioner has allegedly assaulted has also sustained only simple injury (Annexure-2), this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- XII, Siwan in connection with Jamo Bazar P.S. case No. 106/2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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