

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65301 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- PHULPARAS District- Madhubani

SHANKAR SHARMA S/O LATE RAJENDRA THAKUR VILL
MAHTHAUR KHURD, PS- PHULPAAS, DIST- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-11-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Phulparas P.S. Case No. 177 of 2022 (G.R.
No. 614 of 2022) under Sections 341, 323, 379, 307, 354(B)/34
of the Indian Penal Code.

3. As per prosecution case, an altercation took
place on account of electric wiring and it is alleged that
petitioner alongwith other assaulted informant's mother-in-law
by means of bricks due to which her head started bleeding. It is
further alleged that petitioner is said to have assaulted
informant's husband by means of brick as a result of which his
lips started bleeding. It is further alleged that petitioner and
other grabbed informant's hair and dashed her to the ground. It



is further alleged that petitioner and other undressed informant and petitioner also snatched her golden chain.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Learned counsel further submits that veracity of FIR is in question where it is shown that occurrence took place on 01.04.2022 but the same was informed on 14.07.2022 after lapse of 13 days without giving any plausible explanation. He further submits that though there is allegation of assaulting but there is no injury found to support the prosecution story. Moreover, allegation of assaulting is general and omnibus in nature. Learned counsel further submits that allegation of undressing the informant is outrightly false as prudently and pragmatically, it cannot be possible that in the presence of family members of petitioner said act can be committed. He further submits that there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid sections.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No. 177 of 2022 (G.R. No. 614 of 2022) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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