

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72401 of 2022

Arising Out of PS. Case No.-919 Year-2021 Thana- TURKAULIYA District- East Champaran

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1. JITENDRA SHARMA @ JITENDRA KUMAR S/O LATE BINDESHWARI SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 2. AJIT SHARMA @ AJIT KUMAR SHARMA S/O BHOJ SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 3. BHOJ SHARMA S/O LATE KAMLA SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 4. BINOD SHARMA S/O LATE KAMLA SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 5. PRABHU SHARMA S/O LATE KAMLA SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 6. MADAN SHARMA @ MADAN KUMAR SHARMA S/O MANRAJ SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 7. SUBHASH SHARMA S/O MANRAJ SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 8. LALAN SHARMA S/O MANRAJ SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.
 9. DIVAKAR SHARMA @ DIVAKAR KUMAR SHARMA @ DIWAKAR KUMAR S/O HARISHNAKAR SHARMA Resident of village- Majhar, P.S.- Turkaulia, District- East Champaran Motihari.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this application as regards petitioner no. 6.

Permission is granted.



This application as regards Madan Sharma (Petitioner no. 6) is dismissed as withdrawn.

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

The petitioners, in the present case, are seeking pre-arrest bail in connection with Turkauliya (Raghunathpur) P.S. Case No. 919/2021 registered for the offences punishable under Sections 147, 148, 341, 323, 307, 384, 379, 427, 327, 504 and 506 of the Indian Penal Code and 27 of the Arms Act. They have no criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that he had purchased a piece of land from Ramnavesh Sharma and Ram Chandra Sharma and thereafter constructed a boundary wall on the said land. It is alleged that all the accused persons came at his house and demanded Rs. 5 Lakhs as rangdari and on raised objection they were threatened the informant. It is further alleged that when the husband of the informant namely Lal Babu Sah and raised objection, one Prabhu Sharma abused him and ordered others to kill him, thereafter Jitendra Sharma assaulted him by sword on the head of the informant.



Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. Learned counsel submits that in course of investigation police not found any material against the petitioner except land dispute.

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

Having regard to the facts and circumstances of the case, the nature of weapon used and the assault caused on the vital part of the body of the informant, this Court is not inclined to grant pre-arrest bail to petitioner nos. 1, 2 and 8.

prayer for anticipatory bail of petitioner nos. 1, 2 and 8 is, thus, refused.

So far as petitioner nos. 3, 4, 5, 7 and 9 are are concerned, there being no specific allegation of assault against them and learned APP for the State does not dispute that there is no allegation against these persons of causing assault, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioner nos. 3, 4, 5, 7 and 9 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in



connection with Turkauliya (Raghunathpur) P.S. Case No. 919/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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