

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76717 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- CHHATAPUR District- Supaul

1. Ashok Sharma S/O Late Jagdeo Sharma Resident Of Village - Parsahi, Ward No. -9, P.S.- Triveniganj, District- Supaul.
2. Chandra Mohan Sharma S/O Polay Sharma Resident Of Village - Parsahi, Ward No. -9, P.S.- Triveniganj, District- Supaul.
3. Mavesh Kumar @ Manish Kumar @ Mahesh Kumar S/O Yogendra Sharma Resident Of Village - Parsahi, Ward No. -9, P.S.- Triveniganj, District- Supaul.
4. Yogendra Sharma @ Narendra Narayan Sharma S/O Late Jagdeo Sharma Resident Of Village - Parsahi, Ward No. -9, P.S.- Triveniganj, District- Supaul.
5. Kameshwar Sharma S/O Late Jagdeo Sharma Resident Of Village - Parsahi, Ward No. -9, P.S.- Triveniganj, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar P S Chhatapur P S Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti
For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No. 26 of 2022 dated 20.01.2022 registered for the offence punishable under Sections



147, 148, 149, 342, 447, 448, 323, 307, 324, 302, 379, 504, 506
of the Indian Penal Code.

4. As per the prosecution case, the petitioner along with other 25 other co-accused persons being armed with various deadly weapons surrounded the house of the informant, made all the family members hostage and started looting the house. On protest, the accused Chandan Kumar along with petitioner gave a blow of *farse* on the head of the her husband causing head injury due to which he fell down on ground after becoming senseless.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case on account of land dispute. There is a case and counter case between both the parties. It is further submitted that as per the Injury Report, all the injuries are simple in nature caused by hard and blunt substance. Learned counsel has further submitted that the specific allegation of assault is against the co-accused persons namely, Chandan Kumar, Kailu Sharma and Jitendra Sharma. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 30.11.2023 passed in Cr. Misc. No. 76155 of 2023.



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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Supaul in connection with Chhatapur P.S. Case No. 26 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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