

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12990 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- LAURIA District- West Champaran

1. Faud Sharma @ Fauj Sharma Son of Late Yamuna Sharma R/o Village- Paroraha (Lohar Toli), Ward No. 11, Police Station- Lauriya, District- West Champaran at Bettiah
2. Basant Sharma Son of Punyadev Sharma R/o Village- Paroraha (Lohar Toli), Ward No. 11, Police Station- Lauriya, District- West Champaran at Bettiah
3. Tarkeshwar Sharma Son of Faud Sharma @ Fauj Sharma R/o Village- Paroraha (Lohar Toli), Ward No. 11, Police Station- Lauriya, District- West Champaran at Bettiah
4. Gena Sharma Son of Late Yamuna Sharma R/o Village- Paroraha (Lohar Toli), Ward No. 11, Police Station- Lauriya, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Shankar Kumar, Advocate
For the State	:	Mr. Zainul Abedin, APP
For the Informant	:	Mr. Umesh Chandra Verma, Advocate
		Mr. Sharad Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-07-2024 Heard learned counsels for the parties.

2. At the outset, Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 2, namely Basant Sharma, as during pendency of this case, Petitioner No. 2 has already been arrested and the same has become infructuous.

3. Permission accorded.

4. The anticipatory bail application on behalf of



Petitioner No. 2 is dismissed as withdrawn.

5. The Petitioner Nos. 1, 3 and 4 apprehend their arrest in a case registered for the offence punishable under Sections 436 and 34 of the Indian Penal Code.

6. As per the prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons, including these petitioners, with the intention to remove encroachment, poured petrol on house of the petitioner and set it on fire, as a result of which clothes worth Rs. 1 lakh, wheat, rice, two cows and two goats which were tied in the house, got burnt.

7. It is submitted by learned counsel for the petitioners that from bare perusal of the F.I.R. it is apparent that there is bona fide land dispute which is going on between the parties and Petitioner No. 1 has filed a title suit bearing Title Suit No. 89 of 2023 in the Court of learned Sub Judge, Narkatiaganj, West Champaran. The informant is the wife of Baidynath Sharma, who is Defendant No. 2 in the aforesaid title suit. Petitioner No. 2 has also filed a title suit bearing Title Suit No. 41 of 2022 in the court of learned Sub-Judge, Narkatiaganj, West Champaran, and informant of this case is Defendant No. 4 in that title suit and only with a view to settle the civil dispute,



this false and concocted case has been lodged. As a matter of fact, the sister-in-law of the informant, namely Chinta Devi, on 14.08.2023 has submitted an application before the Fire Brigade Officer, Narkatiaganj, West Champaran, mentioning inter alia that due to bonfire house of the informant got burnt. The aforesaid fact has also come in Paragraph No. 77 of the case diary and in the aforesaid application filed by sister-in-law of the informant, she has not alleged that these petitioners have set the house on fire and taking undue advantage of the situation, this false and concocted case has been lodged.

8. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

9. Considering the aforesaid facts and circumstances, nature of accusation and the materials that has surfaced during course of investigation, the prayer for grant of anticipatory bail to Petitioner Nos. 1, 3 and 4 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named Petitioner Nos. 1, 3 and 4 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate-Ist, West Champaran at Bettiah, in connection with Lauriya P.S. Case No. 237 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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