

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2130 of 2023

Arising Out of PS. Case No.-1024 Year-2022 Thana- TURKAULIYA District- East Cham-
paran

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1. VINAY SHARMA @ VINAY KUMAR SHARMA SON OF CHAN-
DERDEO SHARMA Resident of Village-Sharmatola Turkauliya, PS-
Turkauliya, Dist-East Champaran.
 2. Chandradeo Sharma Son of Late Jangali Sharma Resident of Village-Shar-
matola Turkauliya, PS-Turkauliya, Dist-East Champaran.
 3. Shailendra Sharma @ Shailendra Kumar Sharma @ Munna Sharma Son of
Chanderdeo Sharma Resident of Village-Sharmatola Turkauliya, PS-
Turkauliya, Dist-East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sheela Devi Wife of Sudish Paswan Resident of Village-Baswariya Tola
Turkauliya, PS- Turkauliya, Dist-East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-11-2024 1. Heard the parties.

2. The appellants apprehend their arrest in connection with
Turkauliya P.S. Case No. 1024 of 2022 registered for the
offence under Section 341, 342, 323, 354, 504, 506 / 34 of the
IPC and Section 3 (i)(r)(s) of the SC/ST ACt and being
aggrieved by the order dated 17.03.2023 passed by learned Spe-
cial Judge S.C./S.T. Act, East Champaran, Motihari has
preferred this appeal for grant of anticipatory bail.

3. As per the first information report while the informant was



laying stubble on her land, the appellants abused her by caste name and also assaulted the informant and others.

4. Learned counsel for the appellants submits that the appellant no. 1 is the son of appellant no. 2 and the appellant no. 3 is the brother of the appellant no. 1. All the family members have been made accused due to land dispute between the appellants and the informant for which a Title Suit bearing T.S. No. 368 of 2019 is pending between the parties. The informant is the next door neighbour of the appellants and the appellant no. 1 is a MBBS doctor. He further submits that the appellant no. 3 lodged a case bearing Turkauliya P.S. Case No. 1023 of 2023 against the informant and others and the present FIR has been lodged in retaliation.

5. On the other hand, learned counsel for the informant opposed the prayer for bail and submits that the informant was called by her caste name in public view.

6. Regard being had to the submission made by the parties, taking into consideration the fact that both the parties are neighbours, there is land dispute between them, title suit is pending, as such, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, the order dated 17.03.2023 passed in A.B.P.



No. 269 of 2023 arising out of Turkauliya P.S. Case No. 1024 of 2022 passed by Spl. Judge, SC/ST Act, East Champaran, Motihari is hereby set aside.

8. Let the appellants, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge S.C./ S.T. Act, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 1024 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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