

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35669 of 2024

Arising Out of PS. Case No.-368 Year-2017 Thana- AGAMKUAN District- Patna

Ashok Sharma S/O Late Deo Chand Sharma @ Devesh Chandra Sharma R/O
Transport Nagar, P.S.- Agamkuan, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kaushal Kishor, Advocate

For the Opposite Party : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Agamkuan P.S. Case No. 368 of 2017, registered on 09.08.2017 for the offences under Sections 341, 324, 325, 307, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, two co-accused persons called out the son of the informant who did not return in the night and in the next morning, the informant came to know that her son was brutally assaulted by the petitioner and other three co-accused persons causing a number of injuries and they threw the body of the son of the informant taking him to be dead. The son of the informant was admitted in a clinic where he was undergoing treatment. The occurrence took place in the background of dispute



over a piece of land belonging to the family of the informant and petitioner making some fraudulent documents.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the son of the informant was called out by two other co-accused persons and not by this petitioner. There is not a single eye-witness to the occurrence. The alleged occurrence took place on 26.06.2017 but the FIR has been lodged on 09.08.2017 without any reasonable explanation. The petitioner was completely unaware about the alleged occurrence and he was shocked to know about the case filed against him. Learned counsel further submits that earlier the husband of the informant has given a power of attorney in favour of the petitioner for selling his land and for this reason, there appears some dispute over the said land between the parties. Learned counsel further submits that the petitioner has been dragged in this case without any material and none of the offences mentioned in the FIR is applicable in the fact and circumstances of the case. The petitioner is having antecedent of one case in which he is on bail.

5. Learned APP opposes the prayer for anticipatory bail. Learned APP further submits that the petitioner is named in this case by co-accused persons for causing a number of injuries to the



son of the informant who was left by the petitioner and the co-accused persons considering him to be dead.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in lodging the FIR and further considering the probability of falsely implication in the background of dispute of the parties, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount to the satisfaction of A.C.J.M.-IV, Patna City, Patna/concerned court in connection with Agamkuan P.S. Case No. 368 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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