

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48930 of 2024**

Arising Out of PS. Case No.-438 Year-2023 Thana- MANJHAGARH District- Gopalganj

Abhishek Sharma, Son of Gorakh Sharma, Resident of Vill- Pathra Tola, P.S.-  
Manjhagadh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Mili Kumari, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      20-08-2024                      Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Manjhagadh P.S. Case No. 438 of 2023 dated 06.12.2023 registered for the offences punishable under Sections 341, 323, 379, 307, 504 and 506 read with Section 34 of the Indian Penal Code.

3. Ms. Mili Kumari, learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case by the informant to save herself from Manjhagadh P.S. Case No. 440/2023 which was lodged by Kanti Devi, wife of co-accused Devan Sharma, against the informant of the present case and others and the petitioner is grandson (*nati*) of co-accused Devan Sharma.



Learned counsel further submits that the allegation against this petitioner is of only that he pushed down the informant on the ground and the allegation of assault is against co-accused persons which is also clear from the FIR. Learned counsel further submits that both the parties are agnates and a land dispute is an admitted position which is also mentioned in the findings of the learned court below in the impugned order and only the injury report of the informant is on the record which negates the prosecution version. Learned counsel further submits that the co-accused Dewan Sharma and three others have been granted anticipatory bail by the trial court itself vide order dated 03.04.2024 passed in A.B.P. No. 559 of 2024 and the petitioner has got clean antecedent.

4. Mr. Manoj Kumar, learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the nature of allegation appearing against this petitioner from the FIR as well as above noted submissions and mainly the fact that the main allegation appearing against the petitioner from the FIR is that he pushed the informant on the ground and as per the above submissions, four co-accused persons have been granted anticipatory bail by the trial court itself and altogether eleven persons including the



petitioner have been named in the FIR and the petitioner has got fair and clean antecedent, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Manjhagadh P.S. Case No. 438 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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