

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36878 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Angad Sharma @ Angad Kumar Vishwakarma Son Of Harendra Sharma @ Harendra Vishwakarma Resident Of Village - Bilarua, Police Station - Vijaipur, District - Gopalganj
2. Harendra Sharma Son Of Ram Singhasan Sharma Resident Of Village - Bilarua, Police Station - Vijaipur, District - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56024 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Sanjay Sharma @ Sanjay Kumar Bishwkarma Son Of Parmanand Sharma @ Parma Sharma Resident Of Village - Vilarua, Police Station - Vijaipur, District - Gopalganj
2. Parmanand Sharma @ Parma Sharma Son Of Shinghasan Sharma Resident Of Village - Vilarua, Police Station - Vijaipur, District - Gopalganj
3. Pinki Devi Wife Of Sanjay Sharma @ Sanjay Kumar Bishwkarma Resident Of Village - Vilarua, Police Station - Vijaipur, District - Gopalganj
4. Rita Devi Wife Of Krishna Sharma Resident Of Village - Vilarua, Police Station - Vijaipur, District - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 36878 of 2024)
For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 56024 of 2024)
For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-08-2024 1. Heard learned counsel for the parties.



2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Vijayepur P.S. Case no. 259 of 2023 registered under sections 307, 341, 323, 504, 337, 338 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the nine named accused persons including the six petitioners herein came and surrounded the informant and others. As a result of assault by Krishna Sharma and Sanjay Sharma, the informant's brother sustained serious injuries. The petitioners herein are said to have assaulted the other persons who came to rescue. It is further stated that subsequently in course of treatment, the brother of the informant having died section 302 of the Indian Penal Code was added.

4. Learned counsel for the petitioners in Cr. Misc. no. 36878 of 2024 submits that the petitioners have been falsely implicated in the case. The allegation of assault on the deceased is on Krishana Sharma and Sanjay Sharma and not the petitioners herein. The petitioners have no criminal antecedent and the case of the petitioners stand on similar footing to that of co-accused Pankaj Sharma @ Pankaj Kumar vishwakarma who along with one another has been enlarged on regular bail vide



order dated 20.2.2024 passed in Cr. Misc. no. 8720 of 2024.

5. Learned counsel appearing for the petitioners in Cr. Misc no. 56024 of 2024 has submitted that the petitioners have been falsely implicated in the case. Adopting the submission made by the learned counsel for the petitioners in the connected case, with respect to Sanjay Sharma it is submitted that the allegation of assault on the deceased is not on this petitioner alone and the allegations are general and omnibus in nature.

6. The application for bail is opposed by learned APP for the State.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioners in the F.I.R., the Court is not inclined to enlarge the petitioner Sanjay Sharma @ Sanjay Kumar Biswakarma (petitioner no. 1 in Cr. Misc. no. 56024 of 2024) on bail and the application is rejected. He is directed to surrender in the learned trial Court within a period of four weeks.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R along with grant of bail to co-accused vide order dated 20.2.2024 passed in Cr. Misc. no. 8720 of 2024 and the petitioners not having any criminal antecedent, it is directed that the remaining petitioners



namely Angad Sharma @ Angad Kumar Vishwakarma, Harendra Sharma, Parmanand Sharma @ Parma Sharma, Pinki Devi and Rita Devi, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Vijayepur P.S. Case no. 259 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Gopalganj and learned Additional District & Sessions Judge, Gopalganj respectively.

(Partha Sarthy, J)

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