

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62632 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Mufassil District- Khagaria

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1. Ganesh Sharma @ Gama Sharma S/o Chandra Bhushan Sharma R/o vill - Dhushmuri Bishunpur, P.S. - Muffasil, Distt. - Khagaria
 2. Manoj Sharma @ Manoj Kumar Sharma S/o Chandra Bhushan Sharma R/o vill - Dhushmuri Bishunpur, P.S. - Muffasil, Distt. - Khagaria
 3. Amit Sharma @ Amit Kumar Sharma S/o Jai Jai Ram Sharma @ Jai Sharma R/o vill - Dhushmuri Bishunpur, P.S. - Muffasil, Distt. - Khagaria
 4. Brajesh Sharma @ Brajesh Kumar Sharma S/o Jai Jai Ram Sharma @ Jai Sharma R/o vill - Dhushmuri Bishunpur, P.S. - Muffasil, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.3, submitting that during pendency of this application petitioner no.3 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.3.

5. Now this application survives for petitioner nos. 1, 2 & 4 only.



6. The petitioners apprehend their arrest in connection with Khagaria Muffasil Case No. 26 of 2024 registered for the offences punishable u/s 147, 148, 149, 325, 307, 386, 379, 504, 506 of the IPC.

7. Allegedly, all the FIR named accused persons including the petitioners are said to have assaulted the informant's side brutally by means of deadly weapons due to which they sustained injuries.

8. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Petitioner no.1, namely, Ganesh Sharma is a B.H.G. Police and on the alleged date of occurrence, he was on his duty at Purnia. Learned counsel further submits that there is admitted land dispute between the parties and only with a view to grab the land in question, the informant lodged this false case against the petitioner and others. Petitioner no.1 has one criminal antecedent, whereas petitioner nos. 2&4 have no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against the petitioners to



assault the informant's side brutally due to which the informant has sustained grievous injury. Hence, the petitioners do not deserve the privilege of anticipatory bail.

10. Having regard to the facts and circumstances of the case, as there is general and omnibus allegation against petitioner nos. 2&4, let the above named petitioner nos. 2&4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Khagaria Muffasil P.S. Case No. 26 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. However, considering the nature of the injury sustained by the informant i.e. grievous, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of petitioner no.1 is hereby rejected.

12. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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