

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64160 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- MIRGANJ District- Gopalganj

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1. Rajkishore Sharma Son of Late Dipu Thakur R/O Vill.- Jigna Malahi Tola, P.S.- Mirganj, Dist.- Gopalganj
 2. Radheshyam Sharma Son of Rajkishore Sharma R/O Vill.- Jigna Malahi Tola, P.S.- Mirganj, Dist.- Gopalganj
 3. Omnath Sharma Son of Rajkishore Sharma R/O Vill.- Jigna Malahi Tola, P.S.- Mirganj, Dist.- Gopalganj
 4. Lalmuni Devi Wife of Rajkishore Sharma R/O Vill.- Jigna Malahi Tola, P.S.- Mirganj, Dist.- Gopalganj
 5. Anjali Devi @ Anjali Kumari Daughter of Rajkishore Sharma R/O Vill.- Jigna Malahi Tola, P.S.- Mirganj, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1 (Rajkishore Sharma) who was arrested during pendency of the anticipatory bail application.
3. Permission is accorded.
4. **Accordingly, the present anticipatory bail**



application is dismissed as withdrawn with respect to petitioner no. 1 only.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 504 and 34 of the Indian Penal Code.

6. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner nos. 4 and 5 are women and the informant alleges that he has land dispute with Rajkishore Sharma, further on 22.04.2024 at 06:30 AM, the accused-petitioners came and started assaulting him, causing fracture of right hand, on alarm when his brother, mother-in-law, wife and daughter came to save him, the accused persons assaulted them also by *lathi* and rod causing injury.

7. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the allegation of assault is general and omnibus in nature i.e. no specific allegation of assault is alleged against any of the petitioners. It is also submitted that on account of dispute relating to land, an altercation had taken place in which both sides assaulted each other and from the side of the petitioners Mirganj P.S. Case No. 159 of 2024 came to be instituted against the informant and his side. It is also submitted



that from perusal of the injury report (Annexure-3), it would manifest that the injury suffered by the injured is simple in nature, which amply demonstrates that petitioners never had any intention of committing a serious occurrence.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mirganj P.S. Case No. 158 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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