

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67446 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- GURUA District- Gaya

1. Shyam Bihari Sharma @ Shyam Bihari Singh Son of Late Jatan Sharma Residents of Village- Bhauraundha, P.S. - Gurua, District- Gaya
2. Biru Kumar @ Birju Sharma Son of Shyam Bihari Sharma @ Shyam Bihari Singh Residents of Village- Bhauraundha, P.S. - Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 23-10-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Gurua PS case no. 460 of 2023, disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 06.10.2023 at about 3 pm, while the informant was coming home from his field, he was surrounded by petitioners and other accused persons, armed with lathi, danda, iron rod and pistol and assaulted the informant and his family members. It has further been alleged that Biru Kumar @ Birju



Sharma (petitioner no. 2) fired from his pistol, due to which, informant's wife fell down on the ground, however there is no specific allegation of assault against petitioner no. 1. It is also alleged in the last line of the F.I.R. that due to assault by petitioner no. 2 by means of iron rod, one Anirudh Sharma sustained injury on his head.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on account of previous enmity between the parties. Both parties are agnates and there is long-standing land dispute between them. Learned counsel further submits that a counter case has been lodged by the side of the petitioners against the informant and others bearing Gurua PS Case No. 459 of 2023. The side of the petitioners have also sustained injuries, as would be evident from the First Information Report itself. The F.I.R. lodged by the petitioner's side is prior in time to the present F.I.R. He also submits that injury caused to Anirudh Sharma is simple in nature, as would be evident from injury report, annexed as Annexure-2. Lastly, it is submitted that no body has sustained firearm injury due to alleged firing made by petitioner no. 2.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of



allegation and the fact that both parties are co-sharers/ agnates having land dispute, case and counter case is also there and injured Anirudh Sharma has sustained simple injury, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st class, Sherghati (Gaya) in connection with Gurua PS case no. 460 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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