

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75740 of 2023

Arising Out of PS. Case No.-371 Year-2023 Thana- BIHPUR District- Bhagalpur

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1. SAHEB SHARMA S/O LATE GHANNA SHARMA @ GHANA SHARMA VILLAGE- ASHATOLA, PS. BHAWANIPUR (BIHPUR), DIST. BHAGALPUR
 2. REKHA DEVI W/O SAHEB SHARMA VILLAGE- ASHATOLA, PS. BHAWANIPUR (BIHPUR), DIST. BHAGALPUR
 3. NAND LAL SHARMA @ NANDAL SHARMA @ NANDI SHARMA S/O JHINGAR SHARMA VILLAGE- ASHATOLA, PS. BHAWANIPUR (BIHPUR), DIST. BHAGALPUR
 4. SULAINA DEVI W/O NANDLAL SHARMA @ NANDI SHARMA @ NANDAL SHARMA VILLAGE- ASHATOLA, PS. BHAWANIPUR (BIHPUR), DIST. BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh
For the State	:	Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 21-03-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bihpur (Bhwanipur) Police Station Case No. 371 of 2023, dated 14.06.2023, disclosing offences under Sections 147/149/323/354/379/307/504/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,



is that on 13.06.2023, in the afternoon, when the informant returned to his house from field, the petitioners, along with other accused persons, were forcibly keeping corn straw in under-constructed house of the informant. Upon protest, the informant was assaulted and abused. The petitioner no. 1 assaulted the informant's wife by means of lathi on her head, the petitioner no. 2 snatched earrings from informant's wife and the petitioner no. 3 assaulted the informant by means of lathi on his head. There is no specific allegation against the petitioner no. 4.

4. Learned Counsel for the petitioners submits that both the parties are closely related and there is land dispute between them. He next submits that title suit, bearing Title Suit No. 76 of 2021, has been filed and is pending between the parties. A counter case, bearing Bihpur (Bhawanipur) Police Station Case No. 373 of 2023, has also been lodged by the side of the petitioners against informant and others. Referring to the injury report, learned counsel submits that injuries caused to the victims are simple in nature.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both



the parties are closely related, there is previous litigation between them, a counter-case has also been lodged by the side of the petitioners and injuries caused to the victims are simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, 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 Additional Chief Judicial Magistrate-I, Naugachia, Bhagalpur, in connection with Bihpur (Bhawanipur) Police Station Case No. 371 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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