

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85487 of 2023**

Arising Out of PS. Case No.-791 Year-2021 Thana- SUPAUL District- Supaul

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1. NEPALI SHARMA SON OF BHARAT LAL SHARMA RESIDENT OF WARD NO.02, SAKHUA, P.S. - TRIVENIGANJ, DISTRICT - SUPAUL
  2. SUNIL KUMAR @ SUNIL SHARMA SON OF PRADEEP SHARMA RESIDENT OF WARD NO.02, SAKHUA, P.S. - TRIVENIGANJ, DISTRICT - SUPAUL
  3. ABHINANDAN SHARMA @ ABHINANDAN KUMAR SON OF JAYNATH SHARMA RESIDENT OF WARD NO.02, SAKHUA, P.S. - TRIVENIGANJ, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                 |
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| For the Petitioner/s     | : | Mr. Ajay Kr. Prasad, Advocate   |
|                          |   | Mr. Binod Kumar Sinha, Advocate |
| For the Opposite Party/s | : | Mr. Syed Ehteshamuddin, APP     |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      29-01-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners apprehend their arrest in connection with Supaul P.S. Case No. 791/2021 registered under Sections 148, 149, 188, 189, 341, 342307, 332, 333, 353 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act lodged on 16.11.2021 by the informant, Dip Narayan Yadav.

As per the prosecution story, it is alleged by one Rahul Raj, BDO, Supaul that on 16.11.2021, he received an information that 100-150 anti-social elements have entered in



the Collectorate and creating nuisance. It is further alleged by the informant that on getting information, he reached there and found 100-150 anti-social elements abusing the police personnel. It is further alleged that in the meantime, SHO, Supaul along with his police force reached there and tried to pacify the matter but the aforesaid persons got angry and attacked upon the police personnel by means of '*lathi*', '*danda*' and started throwing bricks due to which five police personnel sustained injury.

Learned counsel for the petitioners submit that they are innocent, due to political rivalry, they have been implicated in this case. It is further submitted that the FIR has been lodged against host of persons including these petitioners but are omnibus in nature and there is no injury report available on record.

Learned APP for the State opposes the prayer for anticipatory bail.

Though considering the fact that the accused persons created law and order problem by storming in the Collectorate and hitting stones, this Court was initially not inclined to grant relief to any of the petitioners but taking into account the submissions put forward by the parties as also that the petitioner



nos. 2 and 3 are students of B.A. and they do not have criminal antecedent, FIR lodged and they will be facing the trial, solely on the said ground this Court is inclined to grant them privilege of bail.

The petitioner no. 1, Nepali Sharma is well advised to seek bail after surrendering, his petition stands rejected.

Let the petitioner nos. 2 and 3, namely, Sunil Kumar @ Sunil Sharma and Abhinandan Sharma @ Abhinandan Kumar in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-1st Supaul in connection with Supaul P.S. Case No. 791/2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner nos. 2 and 3 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner nos. 2 and 3 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2 and 3 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner nos. 2 and 3 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

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