

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77647 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- SAKURABAD District- Jehanabad

1. Sanjay Sharma, Son Of Ramji Sharma, R/O Vill - Pokhwan, P.S. - Shakurabad, Distt. - Jehanabad
2. Mukul Sharma @ Mukul Kumar, Son Of Sanjay Sharma R/O Vill - Pokhwan, P.S. - Shakurabad, Distt. - Jehanabad
3. Gautam Kumar, Son Of Navleen Sharma, R/O Vill - Pokhwan, P.S. - Shakurabad, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Shakurabad P.S. Case No. 148 of 2023, registered for the offences under Sections 341, 323, 325, 354, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons assaulted the informant causing injuries on his body. They also assaulted other family members of the informant. Assailants took away some agricultural equipments



kept at the doors of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Present case is counter blast of Shakurabad P.S. Case No. 143 of 2023 lodged by petitioner no.1 three days prior to the registration of the present case in which the mother of petitioner no.1 was assaulted by the informant family. There is land dispute between the parties and Title Suit No. 156 of 2014 is pending between the parties on account of said land dispute. A number of litigation is going between the parties. The FIR has been lodged after three days and there is no satisfactory explanation for the same. Learned counsel further submits that the injury report shows the injury of the grandfather of the petitioner is merely a lacerated wound over right leg. Injuries on other victim are also simple and mostly superficial. Petitioners are having criminal antecedent of four cases but all the cases have been lodged either by the informant or his family members.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



merely superficial nature of injuries in the background of land dispute coupled with non-specific nature of allegation against the petitioners and also considering the case and counter case between the parties and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jehanabad/concerned court in connection with Shakurabad P.S. Case No. 148 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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