

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80406 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- CHHATAPUR District- Supaul

1. ANIL KUMAR @ UTIM SHARMA @ UTIM KUMAR S/O TILAY SHARMA @ JILAY SHARMA VILLAGE- PARSAHI, WARD NO. 9, PS. TRIVENIGANJ, DIST. SUPAUL
2. DILIP SHARMA S/O TILAY SHARMA @ JILAY SHARMA VILLAGE- PARSAHI, WARD NO. 9, PS. TRIVENIGANJ, DIST. SUPAUL
3. BIJENDRA SHARMA S/O LATE SOMI SHARMA VILLAGE- PARSAHI, WARD NO. 9, PS. TRIVENIGANJ, DIST. SUPAUL
4. BHUTAI SHARMA @ UMESH SHARMA S/O LATE SOMI SHARMA VILLAGE- PARSAHI, WARD NO. 9, PS. TRIVENIGANJ, DIST. SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Dr. Indiar Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Chhatapur P.S. Case No. 26 of 2022, registered for the offences punishable under Sections 147, 148, 149, 342, 447, 448, 323, 307, 324, 302, 379, 504, 506 of the Indian Penal Code.

3. As per the First Information Report, on 18.01.2022 at about 5:00 P.M., petitioners along with 22 other accused persons total 26 in numbers named in the F.I.R, armed with



various weapons arrived at the door of the informant and surrounded her house from all sides and made all the family members of the informant hostage and started looting her house. When the husband of the informant objected then accused Chandan Kumar assaulted him by means of *farsa* on his head and thereafter accused Jitendra Sharma and Kailu Sharma assaulted him by means of iron rod. When the informant came to save her husband accused Gautam Kumar assaulted on her head by means of *farsa*. When Gajari Devi came to the rescue of the informant then accused Ramji Sharma assaulted on her head by means of *farsa*.

4. Learned counsel for the petitioners submits that the petitioners have falsely been made accused in this case on the basis of land dispute between the parties. He further submits that no criminal antecedents are against the petitioners and the allegation of assault upon the deceased and the informant is against the accused persons Chandan Kumar, Jitendra Sharma, Kaily Sharma and Gautam Kumar who allegedly assaulted the informant. Learned counsel further submits that Gautam Kumar and other similarly accused persons have been granted anticipatory bail by the coordinate Bench of this Court in Cr. Misc. No. 76717 of 2023 and 76155 of 2033 respectively.



5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that no overt act has been alleged against the petitioners and similarly situated accused persons have been granted anticipatory bail by the coordinate Bench of this Court and the petitioners are having no criminal antecedents, I am inclined to grant the petitioners privilege of anticipatory bail.

6. Let the petitioners, Anil Kumar @ Utim Sharma @ Utim Kumar, Dilip Sharma, Bijendra Sharma, Bhutai Sharma @ Umesh Sharma, in the event of their arrest or surrender within four weeks before the learned court below, 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 A.C.J.M, V, Supaul in connection with Chhatapur P.S. Case No. 26 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Anil Kumar Sinha, J)

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