

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83616 of 2023

Arising Out of PS. Case No.-284 Year-2019 Thana- AMARPUR District- Banka

1. BINOD SHARMA @ VINOD SHARMA S/o LATE BHAGWAT SHARMA
R/o vill - Mahota, P.O. and P.s. - Amarpur, Distt. - Banka, Bihar
2. PRAMOD SHARMA S/o LATE BHAGWAT SHARMA R/o vill - Mahota,
P.O. and P.s. - Amarpur, Distt. - Banka, Bihar
3. BIDHAN SHARMA @ KAMAL KUMAR @ VIDHAN KUMAR S/o
BINOD SHARMA R/o vill - Mahota, P.O. and P.s. - Amarpur, Distt. -
Banka, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Narayan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. At the very outset, learned counsel for the petitioners
seeks permission of this Court to withdraw this application only
with regard to petitioner no.1, who has died during the pendency
of this application.

3. Permission is granted.

4. This application with regard to petitioner no.1 is
dismissed as infructuous and now it is being heard on behalf of
petitioner nos.2 and 3.

5. The petitioner nos.2 and 3 apprehend their arrest in a case



registered for the offence punishable u/s 341, 323, 504, 427, 379, 506 and 34 of the IPC.

6. Allegedly, the F.I.R. named accused persons are said to have indiscriminately assaulted the informant's side.

7. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged has ever taken place. There is general and omnibus allegation against the petitioners and the specific overt act is against the other co-accused persons. There is case and counter-case between the parties and both sides have sustained injuries. There is also an admitted land dispute between the parties and in the alleged occurrence, both sides have sustained injury. Petitioner no.2 has two criminal antecedent and petitioner no.3 has three criminal antecedent.

8. Learned APP for the State opposed the prayer for bail.

9. Having regard to the facts and circumstances of the case, since there is case and counter-case between the parties and both sides have sustained injury, let the above named petitioner nos.2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six



weeks from today, on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand) each with two sureties of the
like amount each to the satisfaction of the learned court below
where the case is pending/Successor Court in connection with
Amarpur P.S. Case No.284 of 2019, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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