

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7210 of 2024

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

KAILU SHARMA S/O RAMJEE SHARMA RESIDENT OF VILLAGE-
LALGANJ, WARD NO. 08, P.S. CHHATAPUR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-02-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Chhatapur Police Station Case No. 26 of 2022, disclosing offences 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, twenty six persons surrounded the house of the informant, looted property and one co-accused Chandan Kumar assaulted the husband of the informant by means of farsa on his head and the petitioner, along with co-accused Jitendra Sharma, assaulted him by means of iron rod due to which petitioner's husband died during the course of



treatment.

4. Learned Counsel for the petitioner submits that the petitioner, along with other accused persons, has been implicated in the present case due to land dispute. Title suit is pending between the parties bearing Title Suit No. 07 of 2017. The allegation, in the FIR, of assaulting on the head of the informant's husband, by means of farsa, is on Chandan Kumar. It has further been alleged in the FIR that petitioner, along with Jitendra Sharma, assaulted the husband of the informant with iron rod but the part of the body has not been disclosed in the FIR upon which assault was made. Learned counsel, referring to the postmortem report, submits that only one injury has been found on the head of the husband of the informant which may be attributable to the co-accused Chandan Kumar. The police, after investigation, exonerated the petitioner and did not send him for trial, however, learned Magistrate has differed with the police report and has taken cognizance.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is no specific allegation against the petitioner that he



assaulted the husband of the informant by means of iron rod on his head, there is a land dispute between the parties and the police after investigation submitted final form not sending the petitioner for trial, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, Kailu Sharma, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul, in connection with Chhatapur Police Station Case No. 26 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

