

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85776 of 2023**

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

1. Harilal Sharma S/o Late Basudeo Sharma R/o Village- Parsahi, Ward No.9, P.S- Triveniganj, Distt.- Supaul.
2. Tilay Sharma S/o Late Sugay Sharma R/o Village- Parsahi, Ward No.9, P.S- Triveniganj, Distt.- Supaul.
3. Shambhu Sharma S/o Late Soni Sharma R/o Village- Parsahi, Ward No.9, P.S- Triveniganj, Distt.- Supaul.
4. Rampravesh Sharma S/o Late Basudeo Sharma R/o Village- Parsahi, Ward No.9, P.S- Triveniganj, Distt.- Supaul.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      24-01-2024                      Heard learned counsel for the petitioners and  
learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Chhatapur P.S. Case No. 26 of 2022, registered on 20.01.2022 for the offences under Sections 147, 148, 149, 342, 447, 448, 323, 307, 324, 379, 302, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners along with 22 other co-accused persons variously armed surrounded the house of the informant and looted the house hold articles,



cash of ₹90,000/-, ornaments, pump set, sewing machine and other articles. Co-accused Chandan Kumar gave farsa blow on the head of the husband of the informant causing its fracture and co-accused Kailu Sharma and Jitendra Sharma gave iron rod blow and when the informant tried to save him, she was also given farsa blow on the head. The sister-in-law of the informant was given farsa blow by co-accused Ramji Sharma. Subsequently, the husband of the informant succumbed to his injuries during his treatment.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The prosecution story is not believable as all the family members and relatives of the petitioners have been made accused in this case. The FIR has been lodged after much delay as the occurrence is said to have taken place on 18.01.2022, whereas the FIR was lodged on 20.01.2022. Learned counsel further submits that the case of the informant is counter blast to the case lodged by the wife of co-accused Ranjeet Sharma vide Chhatapur P.S. Case No. 24 of 2022 as the informant's side forming an unlawful assembly assaulted co-accused persons by means of deadly weapons. There is land dispute between the parties and Title Suit No. 07 of 2017 is



pending between them. Both sides are agnates. Learned counsel further submits that postmortem report shows only stitch wound on the scalp of the deceased along with abrasion over the right shoulder and earlier the injury report of the deceased shows only bleeding to left side of the ear and injury was treated to be simple. Learned counsel further submits that even the police, after investigation, submitted closer report against the petitioners, but the learned Court below took cognizance against the petitioners for different offences. Learned counsel further submits that co-accused Ramjee Sharma has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 15.01.2024, passed in Cr. Misc. No. 78044 of 2023, co-accused Kishori Sharma and others have been granted anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 10.01.2024, passed in Cr. Misc. No. 79862 of 2023, co-accused Anil Kumar and Others have been granted anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 18.01.2024, passed in Cr. Misc. No. 80406 of 2023, co-accused Gautam Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 30.11.2023, passed in Cr. Misc. No. 76155 of 2023 and Co-accused Ashok Sharma and others have been granted anticipatory bail by a Co-



ordinate Bench of this Court vide order dated 20.12.2023, passed in Cr. Misc. No. 76717 of 2023. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general allegations without attributing any specific overt act to the petitioners and possibility of their false implication, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned District Judge, Supaul/concerned court in connection with Chhatapur P.S. Case No. 26 of 2022, subject to the condition 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)**

Amrendra/-

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