

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18897 of 2025

Arising Out of PS. Case No.-42 Year-2024 Thana- MAIN P.S. District- Gaya

1. Sanjay Sharma @ Sanjay Kumar S/O Sarjun Sharma Resident of Village-Kormathu, P.S- Men, Distt.- Gaya at present R/O Mohalla- Powerganj Bageshwari Road, P.S- Kotwali, Distt.- Gaya.
2. Dhananjay Sharma @ Babui S/O Sarjun Sharma Resident of Village-Kormathu, P.S- Men, Distt.- Gaya at present R/O Mohalla- Powerganj Bageshwari Road, P.S- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
For the State	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Harsh Vardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant, who appeared suo motu in the present case.

2. Learned counsel for the petitioners submits that *vide* order dated 28.03.2025, the bail application of the petitioner No. 1 has been dismissed as withdrawn as having become infructuous. Accordingly, he is now pursuing the bail application only on behalf of petitioner No. 2.

3. The petitioner No. 2 is apprehending arrest in connection with Men P.S. Case No. 42 of 2024, dated 15.07.2024, lodged under Sections 126(2), 115(2), 331(1), 109,



74, 351(3), 308(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

4. As per the prosecution, FIR has been lodged against three named accused persons, including the present petitioner, alleging that all three accused reached the informant’s house, one of them fired a shot, and they entered the house. It has been further alleged that the offence was committed at the instance of the petitioner, who directed the other accused to enter the house and loot everything. There is also an allegation of outraging the modesty of the informant’s wife. It has been further alleged that the informant’s elder son was assaulted by the petitioner, due to which he sustained injuries, and one of the other accused assaulted the informant’s wife with a *chapra*, causing a head fracture. It has also been alleged that the accused persons abused the informant’s wife and started demanding ransom, threatening to kill them otherwise. Furthermore, it has been alleged that they looted Rs. 60,000/- from the *Godrej* as the first installment of extortion.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the petitioner’s side and the informant’s side are agnates, and the cause of dispute as shown in the FIR is absolutely incorrect, rather, the cause of dispute is otherwise.



Counsel further submits that the uncle had executed a will of his share in favor of the petitioner's father, and the said will has been probated in favour of the petitioner's father, and their name is reflected in the records of rights.

6. Counsel further submits that the present case is the result of sub-jealousy. Counsel further submits that there is a case and counter-case relating to the same date and place of occurrence. The petitioner's side lodged Men P.S. Case No. 43 of 2024, while the informant's side lodged Men P.S. Case No. 42 of 2024. Counsel further submits that from the injury report, which is annexed as Annexure-5, it transpires that injuries were caused on both sides. Counsel further submits that from the injury report, it also transpires that the injuries caused to the informant's side are simple in nature, save and except one injury. Counsel further submits that the petitioner smelled foul play, and therefore, he himself filed a criminal case against the informant and his associates to save his own life. Counsel also submits that the criminal antecedent of the petitioner is not clean, as there is one criminal case pending against him, which has been filed by his own brother. Additionally, counsel submits that the petitioner is ready to fulfill all the conditions that may be imposed upon him.



7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a specific allegation against the present petitioner that he is the one who gave the orders and the offence was committed at his instance. Counsel also submits that it is true there is a case and counter-case between the parties.

8. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is a case and counter-case between the parties.

9. As such, in the present facts and circumstances of this case, let the petitioner No. 2, namely, Dhananjay Sharma @ Babui be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate, 1st Class, Gaya, in connection with Men P.S. Case No. 42 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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