

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22104 of 2024

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

Chandan Sharma @ Chandan Kumar Son of 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, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 24-01-2025

1. Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on
behalf of the State.

2. The accused/petitioner is named in the F.I.R. and
apprehending his 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 and 506 of the Indian Penal Code.

3. The allegation against the petitioner is to commit
murder of husband of the informant alongwith other named co-
accused persons, where petitioner and other co-accused alleged to
cause physical injury to the deceased husband of informant, during
the course of occurrence, where occurrence alleged to be arising
out of land dispute.

4. Learned counsel appearing on behalf of the petitioner
submitted that during the course of investigation nothing



incriminating material surfaced against this petitioner and therefore, petitioner was exonerated from crime in question and was not sent-up for facing trial. Learned Magistrate took different view and took cognizance against petitioner, which occasioned to prefer present anticipatory bail application. It is submitted that occurrence took place out of land dispute, where for the same set of occurrence a counter case was also lodged from the petitioner's side which was registered as Chhatapur P.S. Case No. 24 of 2022, where informant was co-accused Ranjeet Sharma. It is submitted that occurrence was free fight in nature, therefore it cannot be said that petitioner was under intention to cause death of the husband of the informant. While concluding the argument its is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that in view of counter case lodged as Chhatapur P.S. Case No. 24 of 2022 occurrence cannot be denied, where deceased husband of informant was also made accused. It is submitted that informant is the eye-witness of the occurrence, who specifically alleged that this petitioner made assault on the head of her husband, causing head injuries, whereafter other co-accused persons assaulted him and for one such co-accused namely Jitendra Sharma, police after



investigation submitted charge-sheet with same set of materials collected during investigation. It is further pointed out by learned APP that upon autopsy the injury, which was found upon head of deceased proves fatal, which alleged to be caused by this petitioner.

6. In view of the facts and circumstances as mentioned above as this petitioner specifically alleged by the informant, who is the eye-witness of the occurrence as to assault her husband by *farsa* on his head, which proves fatal, accordingly the prayer of anticipatory bail of the petitioner stands rejected herewith.

(Chandra Shekhar Jha, J.)

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