

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46429 of 2025

Arising Out of PS. Case No.-129 Year-2017 Thana- ARER District- Madhubani

1. Ghanshyam Sharma S/o Rajkant Sharma @ Rajkant Thakur R/o Village-Dhakjari, PS- Arer, District- Madhubani
2. Ram Babu Sharma @ Rambabu Thakur S/o Rajkant Sharma @ Rajkant Thakur R/o Village- Dhakjari, PS- Arer, District- Madhubani
3. Balram Sharma S/o Raj Kant Sharma @ Rajkant Thakur R/o Village-Dhakjari, PS- Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash
	:	Mr. Udeshya Kumar Yadav
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Arer Police Station Case No. 129 of 2017, disclosing offences under Sections 341, 323, 325 ,307, 504, 34 of the Indian Penal Code.

3. As per the prosecution case, on 29.08.2017, the informant's brother assaulted him. Informant had given Rs. 20,000/- to his brother Ghanshyam Sharma. When he asked his money back, petitioners and other accused persons assaulted the informant with lathi, danda, and iron rod. Petitioner no. 1



assaulted with iron rod on his head. Petitioner no. 3, Balram Sharma, gave blow with iron rod on the face of the informant. Petitioner no. 2 assaulted with iron rod on his hand.

4. Learned counsel for the petitioners submits that both informant and petitioners are own brothers and there was previous dispute between them regarding money. There is land dispute between the parties also. The police after investigation submitted charge sheet under bailable sections but learned Magistrate differed with the police report and took cognizance under Section 326 of the I.P.C. During course of investigation, the petitioners were given benefit of Section 41A of the Cr.P.C. and they cooperated in the investigation and never misused the privilege of Section 41A of the Cr.P.C.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are brothers and petitioners were given benefit of Section 41A of the Cr.P.C during the course of investigation, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their 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 Sub-Divisional Judicial Magistrate 1st, Madhubani, in connection with Arer Police Station Case No. 129 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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