

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56788 of 2024**

Arising Out of PS. Case No.-104 Year-2024 Thana- KHAGARIA District- Khagaria

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1. Vikash Kumar @ Vikash Sharma Son of Siyaram Sharma Resident of Village - Barahara, Bhadas, P.S. - Khagaria (Muffasil), District - Khagaria
  2. Sanjit Sharma Son of Arjun Sharma Resident of Village - Barahara, Bhadas, P.S. - Khagaria (Muffasil), District - Khagaria
  3. Amlesh Kumar Son of Raghunandan Sharma Resident of Village - Barahara, Bhadas, P.S. - Khagaria (Muffasil), District - Khagaria
  4. Mithilesh Kumar @ Mithilesh Sharma Son of Shankar Sharma Resident of Village - Barahara, Bhadas, P.S. - Khagaria (Muffasil), District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amar Kumar Singh, Adv  
For the Opposite Party/s : Mr.Surendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**

ORAL ORDER

2      17-01-2025                      Heard learned Counsel for the petitioner and Learned APP for the State.

2. At the outset, learned counsel for the petitioner seeks permission to withdrawn the anticipatory bail application on behalf of petitioner no. 2 and petitioner no. 3 as they have been arrested.

3. Permission is granted.

4. Accordingly, the anticipatory bail application of the petitioner on behalf of the petitioner no. 2 and petitioner no. 3 is dismissed as withdrawn.



5 The petitioners apprehends his arrest in connection with Khagaria (Muffasil) P.S. Case No. 104 of 2024 instituted for the offences punishable under Section 385, 341, 323, 147, 148, 149, 307, 504, 506 of the Indian Penal code and Section 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged against five named accused persons including the present petitioner against whom there is an allegation that all the accused person in connivance with each other has looted the essentials of the informant and assaulted him by butt of gun and fled away

4. Learned counsel for the petitioners submits that petitioner has falsely been implicated in this case. He further submits that he has clean antecedent. He further submits that no specific allegation is made out against the petitioner for the offence under Section 307 of the Indian Penal Code as there is general and omnibus allegation against the petitioners. He further submits that the injury sustained by the informant is simple in nature. He further submits that the section in which the charges has been lodged are bailable offence except Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

5. Learned APP opposes the prayer for bail of the



petitioners.

6. From perusal of the F.I.R., impugned order dated 29.04.2024 and case diary, it appears that no offences under Section 307 of the Indian Penal Code is attracted against the present petitioner at this stage moreover petitioners possesses clean antecedent, let the above named no. petitioner no. 1 and petitioner no. 4 be released on anticipatory bail in the event of his arrest or surrender before the trial Court within a period of six weeks from today on furnishing bail bond of Rs 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C,J.M. Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 104 of 2024 subject to the condition laid down under Section 438(2) of Cr.P.C.

**(Ramesh Chand Malviya, J)**

Sunnykr/-

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