

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57855 of 2025

Arising Out of PS. Case No.-217 Year-2025 Thana- MADHUBANI TOWN District-
Madhubani

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1. Ajay Sharma S/O Late Bambam Sharma R/O Village - Suratganj, ward no. 25, P.S. and Distt.- Madhubani.
 2. Devkali Sharma @ Dev Kaali Sharma W/O Ajay Sharma R/O Village - Suratganj, ward no. 25, P.S. and Distt.- Madhubani.
 3. Anish Sharma @ Avinash Sharma S/O Ajay Sharma R/O Village - Suratganj, ward no. 25, P.S. and Distt.- Madhubani.
 4. Bibha @ Bibha Devi W/O Yadunandan Sharma R/O Village- Malmal, Ward No.2, P.S- Kaluahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 27-08-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. At the very outset, learned counsel for the petitioners prays to withdraw the anticipatory bail application with respect to petitioner no.1, Ajay Sharma as there is direct allegation of assault against him in the FIR.

3. Prayer stands accorded.

4. Accordingly, the present petition with respect to petitioner no.1, Ajay Sharma stands dismissed as withdrawn.

5. So far as petitioner no. 2, Devkali Sharma @ Dev Kaali Sharma, petitioner no. 3, Anish Sharma @ Avinash



Sharma and 4, Bibha @ Bibha Devi are concerned, they are apprehending arrest in connection with Madhubani Town Police Station Case No. 217 of 2025 instituted on 25.05.2025 for the offences punishable under sections 191(1), 191(2), 190, 115(2), 126(2), 118(2), 74, 109(1) of the BNS, 2023.

6. As per the prosecution story, the informant alleged that on 24.05.2025, he had gone to his sister's house at Surat Ganj for attending a function, the co-accused, Manish Sharma entered into the said function and misbehaved with his niece. When the informant objected to it, all the FIR named accused persons assaulted him by means of various weapons. Petitioner no.1 is alleged to have assaulted the informant by means of fighter on his head. On the intervention of the villagers, the accused persons fled away.

7. Learned counsel for the petitioner submits that the petitioners have falsely been implicated in the present case due to ulterior motive. Petitioners have got no criminal antecedent and there is a case and counter case between the parties bearing Madhubani Town PS Case No. 216 of 2025 has been lodged on 25.05.2025 itself by the petitioner no.4 herein against the informant and others. It has also been submitted that the allegation of assault is attributed to petitioner



no.1, Ajay Sharma whose application for anticipatory bail has been withdrawn.

8. Learned Additional Public Prosecutor opposed the prayer for anticipatory bail of the petitioners and submits that all the accused persons are named in the FIR and they all have assaulted the informant. He, however, concedes that the main allegations is against petitioner no.1, Ajay Sharma whose anticipatory bail application has been dismissed as withdrawn.

9. Considering the submissions made on behalf of the parties and taking into account the fact that petitioners have got no criminal antecedent, there is a case and counter case between the parties as stated above and the prayer for anticipatory bail of petitioner no.1 against whom there is direct allegation of assault, has been withdrawn, this Court is inclined to grant the petitioners the privilege of anticipatory bail.

10. Let petitioner no. 2, Devkali Sharma @ Dev Kaali Sharma, petitioner no. 3, Anish Sharma @ Avinash Sharma and 4, Bibha @ Bibha Devi, 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in



connection with the aforesaid Police Station Case, subject to the condition laid down under Section 482(2) of the BNSS, 2023 as well as the following conditions:-

- (i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;
- (iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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