

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74622 of 2024

Arising Out of PS. Case No.-278 Year-2019 Thana- CHHATAPUR District- Supaul

-
1. Ganesh Kumar Sharma @ Ganesh Sharma S/O Late Nashib Lal Sharma R/O Village- Charne Ward No.-3, P.S -Triveniganj, Dist- Supaul.
 2. Mishri Lal Sharma S/O Late Ayodhi Sharma @ Ayodhya Sharma R/O Village- Charne, P.S - Chhatapur (Rajeshwari OP), Dist- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Adv
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 23-06-2025 Heard learned counsel for the petitioners, and the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354, 504, 506/34 of the Indian Penal Code.

3. The allegation against all the 18 accused persons is that they came variously armed for the purpose of fixing the pole in the land of the informant and upon protest, accused Mishri Lal Sharma pushed her down whereas other accused persons also assaulted the informant and his other family members by means of Dabiya, iron rod, farsa and lathi and when her husband and others came to save her, they were also assaulted.



4. Learned counsel for the petitioners submits that it would apparent from the FIR itself, that the matter arises out of a land dispute and after investigation the police has not sent up these petitioners, while submitting charge sheet against some other accused persons. However, the learned court concerned took cognizance against the 18 accused persons including the petitioner differing with the final form vide order dated 03.06.2023 which has been brought on record by way of Annexure -P1/3A to the supplementary affidavit. It has been further submitted that so far as the allegation on the present petitioners are concerned, the petitioner no. 1 is said to have assaulted Rajendra Sharma with farsa which hit on his leg and petitioner no. 2 is said to have assaulted by means of Bhala to Vijay Sharma on his palm The injury report of both the injured are on record which shows that while Rajendra Sharma has sustained three injuries which are simple in nature and Vijay Sharma has also sustained three injuries, out of which one is grievous in nature being swelling of right palm, and the same is on non- vital part of the body. It would also appear that all the injuries have been caused by hard and blunt substance and hence, the allegation of causing injury by means of farsa and sword does not get corroborated even by the medical report. The



petitioners have no criminal antecedent.

5. Learned APP for the State opposes the anticipatory bail.

6. Taking into consideration all the above mentioned facts and circumstances and also considering the fact that the petitioners have no criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, in the event of their arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Supaul in Chhatapur (Rajeshwari) P.S.Case No. 278 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioners shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

N.K/-

U		T	
---	--	---	--

