

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68971 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- GOPALPUR District- West Champaran

1. Rajan Sharma S/o Ramesh Sharma R/o Village-Jhakra, P.S.- Gopalpur, Distt.- West Champaran
2. Ramesh Sharma S/o Late Laxmi Sharma R/o Village-Jhakra, P.S.- Gopalpur, Distt.- West Champaran
3. Indu Devi W/o Pramod Sharma R/o Village-Jhakra, P.S.- Gopalpur, Distt.- West Champaran
4. Niki Kumari D/o Pramod Sharma R/o Village-Jhakra, P.S.- Gopalpur, Distt.- West Champaran
5. Chanda Kumari D/o Pramod Sharma R/o Village-Jhakra, P.S.- Gopalpur, Distt.- West Champaran
6. Banguri Devi @ Sunita Devi @ Banguri W/o Ramesh Sharma R/o Village-Jhakra, P.S.- Gopalpur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jhunu Sharma S/o Late Belash Sharma R/o Village-Jhakra, P.S.- Gopalpur, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners are apprehending arrest in connection with Gopalpur P.S. Case No. 81 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 124(1), 109, 3(5) of the B.N.S., 2023.

3. As per prosecution case, it is alleged that co-accused Nitesh Sharma assaulted the informant by means of Belcha as a result of which he sustained injury on his right



hand's finger. It is further alleged that petitioners and others are said to have surrounded the informant. It is further alleged that co-accused Dipu Sharma assaulted the informant by means of farsa and when informant fell down then, all the accused persons assaulted him by means of lathi and danda. It is further alleged that when informant's wife came for rescue, she was assaulted by petitioner nos. 1, 2, 3 and 4.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. It is submitted that a title suit bearing Title Suit No. 164 of 2024 is pending between the parties and in cases of land dispute facts are generally exaggerated to make the offence graver and sometimes civil disputes are given the colour of criminal case. It is submitted that there is no specific overt act against the petitioners, rather the specific allegation of assault is against co-accused Nitesh Sharma and Dipu Sharma. It is submitted that except the allegations against co-accused Nitesh Sharma and Dipu Sharma, all the allegations are general and omnibus in nature. In the light of the aforesaid facts and circumstances of the case, no offence is made out against the petitioners under section 109 of the Indian Penal Code.



Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that petitioners named accused and they cannot escape from the allegations levelled in the first information report.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, there is no specific allegation against these petitioner, a civil dispute is pending between the parties, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, West Champaran at Bettiah in connection with Gopalpur P.S. Case No. 81 of 2025, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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