

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82638 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- GHORASAHAN District- East
Champaran

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1. Shubhash Kumar Son of Late Regani Rai Resident of village- Nanuara, P.S.-
Ghorasahan, Distt.- East Champaran
 2. Surendra Kumar Son of Ramchandra Rai Resident of village- Nanuara, P.S.-
Ghorasahan, Distt.- East Champaran
 3. Yogendra Sharma Son of Late Khedu Thakur Resident of village- Nanuara,
P.S.- Ghorasahan, Distt.- East Champaran
 4. Manoj Sharma Son of Yogendra Sharma Resident of village- Nanuara, P.S.-
Ghorasahan, Distt.- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in
connection with Ghorasahan P.S. Case No. 71 of 2024 registered
for the offences punishable under Sections 341, 323, 324, 307,
354-B, 379, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, informant went to see his
field meanwhile co-accused Parmendra Sharma armed with
farsa came and started abusing the informant and when same
was protested, informant was assaulted with fists and slaps. It is



further alleged that when the informant's daughter came to rescue, co-accused Parmendra Sharma assaulted her daughter by means of farsa due to which she sustained injury on head. It is further alleged that petitioners and other armed with lathi and rod came and started abusing. Meanwhile, informant's wife and niece came and they were also assaulted. It is further alleged that petitioner no. 1 and 4 tore the saree of informant's wife due to which she became undressed. It is further alleged that petitioner no. 2 and 3 snatched gold jitiya worth rupees twenty five thousand from the neck of informant's wife.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners no. 1 to 3 have no criminal antecedent whereas petitioner no. 4 bears criminal antecedent of one case in which he is on bail, as orally submitted. He further submits that though there is allegation against the petitioners but the same are nothing but ornamental in nature. There is land dispute between both the parties and in cases of land dispute, facts are generally exaggerated to make the offence graver. Learned counsel further submits that petitioner no. 4 lodged Ghorasahan P.S. Case No. 601 of 2023 against the informant's side and the present case is



nothing but counter blast of said Ghorasahan P.S. Case No. 601 of 2023. He further submits that injured of the present case has sustained simple injury. He further submits that co-accused Parmendra Sharma, against whom there is specific allegation of assault to informant and his daughter, has already been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 76194 of 2024 and the case of present petitioners is more or less stands on similar footing and on the principle of parity, petitioners deserve bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, co-accused has already been granted anticipatory bail, 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 their arrest or surrender before the learned trial court 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 learned S.D.J.M., Sikarhana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 71 of 2024, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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