

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38088 of 2024**

Arising Out of PS. Case No.-265 Year-2023 Thana- DAUDNAGAR District- Aurangabad

1. Upendra Sharma @ Upendra Kumar Singh Son of Late Baijnath Sharma Resident of Village and Post- Shamsher Nagar, P.S- Daudnagar , District- Aurangabad
2. Ravi Ranjan Sharma @ Ravi Ranjan Kumar Sharma @ Bablu Son of Sri Chitlesh Sharma Resident of Village and Post- Shamsher Nagar, P.S- Daudnagar , District-Aurangabad
3. Chitlesh Sharma @ Chitlesh Kumar Son of Late Baijnath Sharma Resident of Village and Post- Shamsher Nagar, P.S- Daudnagar , District-Aurangabad
4. Rajeev Ranjan @ Raju Sharma Son of Chitlesh Sharma Resident of Village and Post- Shamsher Nagar, P.S- Daudnagar , District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Roona, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      19-03-2026                      1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354(B) and 386 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners no. 1, 3 and 4 are persons with clean antecedent and petitioner no. 2 has antecedent of one case and the informant



alleges that on 28.04.2023 she had gone to see the levelling of the road near PACS godown carried out by the labourers without her husband when petitioners along with five unknown accused came variously armed and started abusing the labourers and the driver of the tractor. It is next alleged that the accused persons, from the date when the purchase of the land was made, were demanding ransom and were denying the passage. Since the petitioners were abusing the labourers and the driver of the tractor, as such, the informant informed her husband's elder brother. It is further alleged that Ravi Ranjan torn the saree and the blouse of the informant thereafter Upendra Sharma and Manoranjan Sharma assaulted Nanku Pandey and Krishna Pandey by iron rod and Ravi Ranjan along with unknown accused made indiscriminate firing upon Nanku Pandey who was trying to flee.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is further submitted that the date of occurrence is 28.04.2023 and the FIR came to be instituted on 08.05.2023 i.e. after a delay of more than ten days of the occurrence without any plausible explanation. It is next submitted that from the side of the



petitioners Daudnagar P.S. Case No. 249 of 2023 has been instituted against the informant and her side, as such, the instant FIR is a counterblast. It is also submitted that a dispute had arisen and from the side of the informant firing was resorted to which led to the death of the son of Upendra Sharma and even Upendra Sharma received firearm injury in his leg. It is further submitted that the police raided the house of the side of the informant and recovered arms. It is next submitted that in order to coerce the petitioners into submission so that they do not pursue with Daudnagar P.S. Case No. 265 of 2023, the instant false case came to be instituted ten days after the occurrence based on a written application of the informant. It is, thus, submitted that if the instant FIR has been instituted based on the written application of the informant, the same could have been instituted promptly even but then was not done which also casts an aspersion on the allegation as alleged in the FIR when in the FIR instituted from the side of the petitioners, it is specifically alleged that side of the informant resorted to firing causing death of the son of Upendra Sharma on the spot.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners.



6. Learned counsel appearing on behalf of the informant submits that from perusal of the allegation as alleged in the FIR, it would manifest that Upendra Sharma, Manoranjan Sharma and others assaulted Nanku Pandey and Krishna Pandey leading to grievous injury on which learned counsel appearing on behalf of the petitioners submits that what is not in dispute is that son of Upendra Sharma was killed by the side of the informant for which the aforesaid FIR was instituted. It is reiterated and submitted that even Upendra Sharma received firearm injury on his leg, as such, it does not appear probable that after receiving firearm injury Upendra Sharma would have resorted to assaulting the side of the informant. It is, thus, submitted that the said allegation has been alleged by way of afterthought only to coerce Upendra Sharma into submission so that he does not pursue with the killing of his son made by the side of the informant.

7. After hearing the learned counsel for the parties, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where



the case is pending/Successor Court in connection with Daudnagar P.S. Case No. 265 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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