

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88519 of 2025

Arising Out of PS. Case No.-424 Year-2023 Thana- ATRI District- Gaya

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1. Arvind Sharma S/o Barho Sharma R/o Village - Malbigha, P.S.- Atri, District - Gaya
 2. Ajay Sharma S/o Munarik Sharma R/o Village - Malbigha, P.S.- Atri, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Atri P.S. Case No. 424 of 2023 instituted for the offences under Sections 302, 504, 506, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that due to a dispute over irrigation of land, the accused persons including the petitioners allegedly came armed with *lathi*, *danda*, *khanti* and iron rod, abused and assaulted the informant's husband, causing his death.



4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. It has been submitted on behalf of the petitioners that the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is further submitted that the occurrence arose out of a land irrigation dispute, wherein the accused persons including the petitioners, formed an unlawful assembly armed with deadly weapons, assaulted the deceased due to which he died and therefore, the petitioners do not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence, in my view, this is not a fit case for anticipatory bail, I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioners is, hereby, rejected.

8. However, if the petitioners surrender before the learned court below within a period of six weeks from today and



pray for regular bail, the same shall be disposed of on its own
merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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