

Subhash Sharma and ors. Vs. the State of Bihar

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Court : Patna

Decided On : May-13-2012

Appellant : Subhash Sharma and ors.

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.1097 of 2012

===== 1.
Subhash Sharma.

2. Bhim Sharma.

3. Angad Sharma.

4. Dinesh Sharma. Petitioner/s Versus The State Of Bihar Opposite
Party/s =====

13. 01-2012 Heard learned counsels for the petitioners and the State. It is submitted that petitioner no.1 has been arrested, hence his anticipatory bail application has become infructuous. Accordingly the application with regard to petitioner no.1 is dismissed as withdrawn. So far as other petitioners are concerned, they are apprehending their arrest in a case registered under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3(I)(X) SC/ST (Prevention of Atrocities) Act. The accusations are of making assault and abusing

the informant by calling caste name. It is submitted by learned counsel for the petitioners that for making construction the objection was raised by the informant and in that background the present case has been lodged and the matter was taken to the Gram Kachahari where the accusation was not found true and a sanha was also lodged by the petitioner prior in time. It is further submitted that the occurrence took place in the house of the informant hence it cannot be treated as the occurrence being taken place in the public view. Considering the fact that in the background of the bona fide property dispute, the accusation gets clouded, let the above named petitioner nos. 2 to 4 be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing the bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sah Kund (Sajour) P.S. Case No. 195 of 2011 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. (Dinesh Kumar Singh, J) Anjani /-

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