

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26254 of 2015

Arising out of PS.Case No. -215 Year- 2014 Thana -MARHAURA District- SARAN

Chintu Sharma @ Ashish Sharan Sharma, Son of Late Raghubir Sharma,
resident of village - Mubarakpur, P.S. (Madhura), Distt. - Chapra, Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Akbar Ali(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-07-2015 The petitioner is apprehending his arrest in connection with Morhowrah P.S. Case No. 215 of 2014 for the offences instituted under Sections 147, 148, 149, 447, 342, 323, 324, 307, 302, 504 and 114 of the I.P.C.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that the accused persons took the informant near a Pakari tree by dragging from his house and accused Chandan Kr. told other accused to kill him on which accused Hari Sharan Sharma, Chintu Sharma and Jaggu Sah assaulted him with knife and Chandan Kumar, Shatrughan Sah, Pankaj Sah and Ranjan Singh with lathi. On Hullal, his brother Uma Shankar Sah, Praduman Kumar, Vijay Kumar and his grand father Sarva Sah. Hari Sharan Sharma stabbed him on his back due to which he fell down. Others assaulted his brother Uma

Shankar, Praduman and Vijay Kr. With Lathi and knife. Thereafter villagers assembled and took the injured to Sadar Hospital, Chapra where his grand father Sarve Sah died.

It has been submitted on behalf of the petitioner it is a case and counter case between the parties. Counter case is annexure-2 to the present application. It is further submitted that the prosecution has not explained the injury on the accused side. It is further submitted that the specific allegation is against Hari Sharan Sharma. As far as petitioner is concerned, no injury has been attributed against him. He can at best is said to be a member of unlawful assembly except for this there is no allegation against him.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Morhowrah P.S. Case No. 215/2014, pending in the court of the learned J.M. Saran at Chapra. Anyhow, if the petitioner surrenders in the court below within six weeks the court below shall consider the case of the petitioner on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)