

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44433 of 2015**

Arising Out of PS.Case No. -26 Year- 2015 Thana -KANGALI District-  
WESTCHAMPARAN(BETTIAH)

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1. Dinesh Sharma Son of Mohar Sharma resident of Village- Shugaha  
Bhawanipur ,Police Station - Kangali, District West Champaran at Bettiah.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**

**JHA**

**ORAL ORDER**

2      23-09-2015                      Heard the learned counsel for the petitioner, the  
  
learned counsel for the informant and the learned Additional  
  
Public Prosecutor.

The petitioner seeks bail in a case under Section 302  
and other sections of the Indian Penal Code.

The petitioner is named in the FIR along with 17  
other accused persons. The accused persons are alleged to have  
assaulted the informant, Rajesh Sharma, and Dhurandhar Sharma.  
When Dhurandhar Sharma fell down on the ground Ramashish  
Sharma and Rambali Sharma came to save but Shyam Sunder  
Sharma, Subhash Sharma, Umesh Sharma, Dinesh Sharma, the  
petitioner, Paras Sharma, Jay Narayan Sharma, Ashok Sharma,

Anoj Sharma, Singhashan Sharma and others assaulted the informant. Dhruv Sharma, uncle of the informant, came to save the informant but Umesh Sharma, Shyam Sunder Sharma, Anoj Sharma and Sanoj Sharma put him down and pressed his neck. Consequently, Dhruv Sharma died.

It is submitted that there is no allegation against the petitioner of assaulting Dhruv Sharma, the deceased. The post mortem report shows injuries on the neck on account of which the deceased died.

Learned counsel for the informant vehemently opposed the prayer for bail but could not be able to show any overt act against the petitioner.

Having considered the fact the petitioner is not the assailant of the deceased, Dhruv Sharma, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri J. Kumar, learned Judicial Magistrate, West Champaran at Bettiah in Kangali P.S. Case No. 26 of 2015.

**(Prabhat Kumar Jha, J)**

BKS/-

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