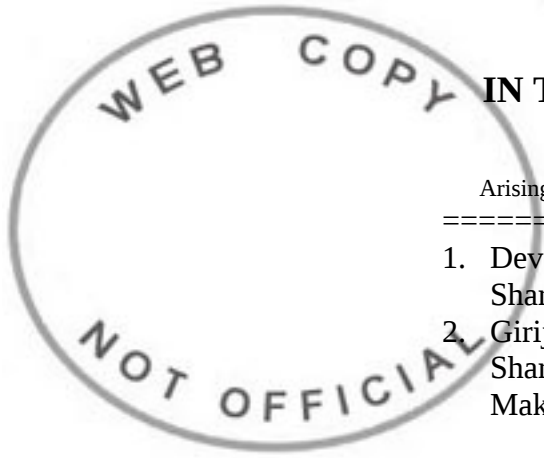




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26420 of 2015

Arising Out of PS.Case No. -45 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

- =====
1. Devendra Sharma @ Narendra Deo Sharma, Son of Late Bhuneshwar Sharma,
 2. Girijanandan Sharma @ Girijanand Sharma, Son of Late Ramnandan Sharma, both residents of Village- Bhaikh, Police Station- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Dashrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-10-2015 Heard the learned counsel for the petitioners, the learned A.P.P as also learned counsel for the informant.

The petitioners seek bail in a case for the offences punishable under sections 147, 148, 149, 325, 326, 307 and 302 of the I.P.C

The allegations against the petitioner Devendra Sharma @ Narendra Deo Sharma is that he assaulted Satish Sharma, Dever of the informant, with iron rod on his left hand and fractured the same, whereas, Rakesh Sharma assaulted Satish



Sharma with *garasa* on his head. The allegation against petitioner Girijanandan Sharma @ Girijanand Sharma is that he assaulted with rod to Bade Sharma on his right leg and fractured the same, whereas, other accused also assaulted him and further Amresh Sharma @ Buchan assaulted Dinanath Sharma with *garasa* on his head, Satish Sharma was brought to hospital where he was declared dead and the condition of Bade Sharma was also serious.

Submission is of false implication and that the petitioners are not the assailant, they are suffering in custody since 02.03.2015 after their surrender. From postmortem report of Satish Sharma it reveals that the cause of death was due to hemorrhage and shock due to above injury by blunt substance and due to coronary blockage due to heart failure and due to fatty liver. The dead body of Bade Sharma was taken away by the informant side and last funeral was performed. Bade Sharma was a veteran criminal and when he was recovered by the police in injured condition his body was searched and a pistol with three cartridges were recovered and one motorcycle without registration number was also recovered for which Makhdumpur P.S. Case No. 46 of 2015 has been lodged which is Annexure-3 to the bail petition. The informant and her family members are so aggressive persons that they had created nuisance against the police force and also

assaulted B.D.O. for which Makhdumpur P.S. Case Nos. 47 of 2015 and 48 of 2015 have been lodged which are Annexures IV and IV/A to the bail petition. Charge sheet has already been submitted against the petitioners and there is no chance of tampering with the prosecution evidence and as such now they deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that in collusion and conspiracy inquest and postmortem report of Bade Sharma have been suppressed and further the petitioners have got criminal antecedents also which have not been disclosed.

In the facts and circumstances as stated above, considering that the petitioners are not the assailants and against them charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Jehanabad in Makhdumpur P.S. Case No. 45 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on

each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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