

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36168 of 2015

Arising Out of PS.Case No. -159 Year- 2014 Thana -KHAIRA District- JAMUI

=====

1. Guddu Sharma Son of Shiv Shankar Sharma resident of village - Balopur,
Police Station Khaira in the district of Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Abhay Kr.Roy(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 24-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

Allegedly, the petitioner and other co-accused being
armed with sword and pistol started abusing husband of the
informant, dragged him from the shop and the petitioner gave
sword blow on his neck and co-accused Karu Manjhi gave sword
blow on his hand causing his death.

Submission is of false implication and that earlier on
the basis of self statement of S.I. Manoj Kumar Jha Khaira P.S.
Case No. 160 of 2014 has been registered wherein the petitioner
was arrested in unconscious state with one cartridge and mobile.

No sword was recovered from his possession. The petitioner has been implicated with oblique motive without any legal and cogent material. Charge sheet has been submitted and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner is named in the F.I.R. with allegation that he cut the neck of husband of the informant with sword which finds support during investigation also. Two incised wound on posterior part of upper part of the neck have also been found by the doctor after postmortem examination.

In the facts and circumstances as stated above, considering that the petitioner is the assailant, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Sessions Trial No. 14 of 2015 arising out of Khaira P.S. Case No. 159 of 2014 pending in the court of Additional Sessions Judge-II, Jamui.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--