

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24076 of 2015

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

Hari Sharan Sharma, Son of Late Raghubir Sharma, resident of village - Mubarakpur, P.S. Madhura, District - Chapra, Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

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

For the Opposite Party : Mr. Asha Kumari (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2015 The petitioner is languishing in custody since 09.07.2014 in connection with Madhura P.S. Case No. 215 of 2014 for the offences instituted under Sections 147, 148, 149, 447, 342, 323, 324, 307, 302 and 504/114 of the I.P.C.

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

The prosecution story, in brief, is that informant deals in Mango and on 07.07.2014 at 7 P.M. some one abused his mother Punkalo Devi claiming him as Chandan Kumar then the informant talked to that person who also abused the informant then the informant went to the house of Chandan and make a complaint to Laxman Sah, father of Chandan upon which Chandan again abused him and threatened him of dire consequences who was at



Siwan that time and on 08.07.2014 at about 8 P.M. while the informant was at his door, all the 7 accused persons named in the First Information Report came there and Chandan dragged him near Pakari tree and uttered to finish the informant upon which, as alleged Hari Sharan Sharma (Petitioner), Chintu and Jaggu Sah with Chaku and rest accused persons with Lathi assaulted the informant and when his relation tried to save him Hari Sharan Sharma (petitioner) assaulted Sarwelal Sah with Chaku then all the injured were brought to Sadar Hospital, Chapra for their treatment and in course of treatment, Sarwelal Sah took his breath.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that as per the prosecution case it is alleged that the petitioner had given specific Chura blow on the back of the deceased. It is further submitted that the petitioner is in custody since 09.07.2014. It is further submitted that taking into account that only one Chura blow is alleged against the petitioner, no offence under Section 302 of the I.P.C. is made out.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R and specific allegation of causing injury upon the deceased is alleged.

Considering the aforesaid facts and circumstances, I am

not inclined to grant bail to the petitioner in connection with Madhura P.S. Case No. 215 of 2014, pending in the court of the learned C.J.M., Saran at Chapra. Accordingly, the same is rejected. If so advised, the petitioner may renew his prayer for bail after completion of eighteen months in custody from 09.07.2014.

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(Sudhir Singh, J)