

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15787 of 2016

Arising Out of PS.Case No. -442 Year- 2015 Thana -NARPATGANJ District- ARRARIA

1. Brahmdeo Sharma, Son of Sahdeo Sharma
2. Hari Lal Sharma, Son of Sahdeo Sharma
Both Resident of Village - Bibiganj, P.S.- Narpatganj, District – Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.16917 of 2016

Arising Out of PS.Case No. -442 Year- 2015 Thana -NARPATGANJ District- ARRARIA

1. Latter Sharma, Son of Late Gulay Sharma,
2. Billu Sharma @ Pankaj Sharma, Son of Late Gulay Sharma.
Both are residents of village - Bibiganj, Police Station - Narpatganj, District - Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.15787 of 2016)

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Surendra Kumar, APP

(In Cr.Misc. No.16917 of 2016)

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioners and learned APP for the State.

The petitioner seeks bail in connection with Narpatganj, P.S. Case No.442 of 2015 for offences punishable under sections 302/34 of the Indian Penal Code.

The prosecution case is that while the informant was



feeding her husband on Sunday at 9.30 PM then her villager Brahmdeo Sharma took her husband Umesh Yadav to his house. Her husband told her that he would return within ten minutes from the house of Brahmdeo Sharma. It is further stated that when her husband did not return for half an hour then she and her family members, when went to the house of Brahmdeo Sharma and saw that about 10 to 15 persons, armed with deadly weapons, killed her husband after tying his legs and hand, in the outhouse of Brahmdeo Sharma. She and her family members identified 12 persons in the torch light. It is also stated that the accused persons started to flee away after seeing her and others. On noise villagers came and saw the persons who committed the crime. They fled away towards north direction. She claimed that her husband has been killed under conspiracy.

It has been submitted by learned counsel for the petitioners that the informant who is the wife of the deceased along with her other family members has seen the alleged occurrence in the light of the torch and as many as 12 persons have been named in the FIR who caused injury on the deceased and as per the post-mortem report injury no.1 i.e. injury on the skull has been found to be fatal resulting in the death which cannot be attributed specifically to any of the accused including the petitioners. He further submits that although the time of

occurrence is 10 PM but the post mortem was performed after 10 hours and death had reported to be within 48 hours.

That the death had occurred within 48 hours which also makes all the allegations false against the petitioners he submits that the husband of the petitioner was of bad character and villagers have beaten him to death as complaint case no.3159C of 2015 has been lodged by one Amoliya Devi against the deceased.

He submits that the petitioners are of clean antecedent and no recovery of any weapon has been made from the possession of the petitioner, although it has been alleged in the FIR that the villagers assembled at the place of occurrence.

Learned APP for the State submits that the petitioners are named in the FIR and the wife of the deceased and witnesses have supported the prosecution case hence opposes the prayer for bail.

Considering the period of custody and the allegations as evident from the FIR, I am not inclined to grant privilege of bail at this stage.

Application for bail is hereby rejected.

(Nilu Agrawal, J)

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