

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21020 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -JAMALPUR District- DARBHANGA

Ram Lakhan Sharma, son of Late Ram Khelawan Sharma, resident of Village- Mnasar, Police Station- Jamalpur, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Mr. Raj Kishore Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 05-09-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 08.03.2016 in connection with Jamalpur P.S. Case No. 117 of 2015, corresponding to G. R. No. 1146 of 2015, for the offences instituted under Sections 147, 148, 149, 447, 341, 302, 323, 307, 427 and 504 of the IPC.

The prosecution story, in brief, is that on 27.11.2015 at about 5.00 A.M., the petitioner alongwith F.I.R. named accused persons forming unlawful assembly armed with various weapons came at the door of the informant and the petitioner and co-accused Heera Kant Sharma, started assaulting the brother of the informant by means of Khanti indiscriminately, as a result thereof,

the brother of the informant fell down sustaining grievous injury. They also assaulted the informant and his family members and also damaged the household properties. The injured brother of the informant was brought to DMCH and seeing his critical condition, the doctor referred him PMCH, Patna, where injured died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. Altogether nine persons have been made accused including the petitioner. All the accused persons including the petitioner are said to have assaulted the deceased indiscriminately. Learned counsel for the petitioner has relied the statements of the witnesses made in paragraph nos. 6, 7, 8, 37, 38 and 65 of the case diary where a specific allegation has been made against one Heera Kant Sharma for assaulting on the head of the deceased by Khanti. The injury report indicates only three injuries on the body of the deceased. The postmortem report also indicates only three injuries on the body of the deceased. It is a case and counter case between the parties. Both the parties are agnates.

On behalf of learned counsels for the State and the informant, it has been submitted that the petitioner is named in the

F.I.R. and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Biraul (Benipur), Darbhanga, in connection with Jamalpur P.S. Case No. 117 of 2015, corresponding to G.R. No. 1146 of 2015.

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(Sudhir Singh, J)