

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57488 of 2015

Arising Out of PS.Case No. -58 Year- 2015 Thana -GWALPARA District- MADHEPURA

Prabhu Sharma, son of Late Jagdish Sharma, Residence of Mohalla-Shiswa Patti, Ward No. 8, P.S.- Gwal Para, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ratan Kumar, Advocate

For the Opposite Party : Mr. Ajay Kr.Jha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-03-2016

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

The petitioner is apprehending his arrest in connection with Gwalpara P.S. Case No. 58 of 2015 pending in the Court of Judicial Magistrate, Ist Class, Uda Kishunganj, Madhepura for the offences instituted under Sections 323, 341, 342, 354, 307, 504, 505, 34 and 302 of the Indian Penal Code.

As per the prosecution case that on 27.05.2015 the informant was fencing her land with tat then co-accused reached there, abused the informant and prohibited the informant from fencing her land and when the informant told that she will fence her land from the tat then the petitioner and other co-accused persons started assaulting the informant by slaps and when husband of the informant came there to save the informant then co-accused Nandeo Sharma pressed the testicle of the husband of

the informant in order to kill him and the petitioner twisted the neck of the husband of the informant and all accused persons started assaulting the husband of the informant with legs and fists due to which the husband of the informant became unconscious then he died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. General and omnibus allegation has been made against the petitioner. Postmortem report do not support the allegations made in the FIR. On the alleged date of occurrence, the petitioner was not present. Petitioner is said to have been suffering from tuberculosis.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and has actively participated in the assault being made upon the deceased.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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