

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34608 of 2016

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

Prabhu Sharma S/o Late Jagdish Sharma, Resident of Village-Shishwapatti, Ward No.-8, Police Station- Gwalpara (O.P. Arar), District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-10-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Sections 323, 341, 342, 354, 307, 504 and 506/34 of the I.P.C. Later on, Section 302 of the I.P.C. was added.

The prosecution story, in brief, is that on the alleged date and time of occurrence the informant was fencing her land, the accused Nandeo Sharma reached there and abused and prohibited the informant from fencing the land and when she told that she will fence her land, then the accused persons including the petitioner assaulted the informant by slaps. When the husband of the informant came there to save her, the accused Nandeo Sharma pressed the testicle of husband of the informant in order to kill him and petitioner Prabhu Sharma twisted his neck by legs and fats, due to which her husband became unconscious and fell down on the ground and the accused persons fled away feeling

that the husband of the informant has died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.3.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. As per the allegation, the petitioner is said to have pressed the neck of the deceased and the co-accused, namely, Nandeo Sharma is said to have pressed the testicle of the deceased. The informant in her re-statement has not named the petitioner, which is evident from paragraph 36 of the case diary. The postmortem report also does not support the allegation made in the F.I.R

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that 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 Sri Ashok Kumar II, learned Judicial Magistrate, 1st class, Uda-kishunganj, Madhepura in connection with Gwalpara P.S. case No.58 of 2015.

(Sudhir Singh, J)

Narendra/-

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