

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39673 of 2016

Arising Out of PS.Case No. -26 Year- 2015 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

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1. Sanju Sharma, Son of Jai Narain Sharma, resident of village- Sugaha,
Bhawanipur, P.S.- Kangali, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 17-09-2016 Heard both sides.

The petitioner, Sanju Sharma, apprehends his arrest in Kangali P.S. case No. 26 of 2015 under Section 302, 307 and other Sections of the Indian Penal Code.

The informant, Rajesh Sharma, named as many as 18 accused persons, including the petitioner, and alleged that all the accused persons having armed with Lathi, spear, Garasa, Farsa came, entered into the house of the informant, and on the order of Shyam Sunder Sharma the accused persons began to assault. Bachcha Sharma assaulted Dhurandar Sharma with Garasa. Dhurandar got injuries on different parts of his body and he fell down. When Ramashish Sharma and Rambali Sharma came to



save, Shyam Sunder Sharma, Subhash Sharma, Umesh Sharma, Dinesh Sharma, Paras Sharma, Jai Narayan Sharma, Ashok Sharma, Anoj Sharma, Singasan Sharma, Mohar Sharma, Surendra Sharma and Lakhindra Sharma assaulted them with Lathi and Garasa. When Dhruv Sharma came, Umesh Sharma, Shyam Sunder Sharma, Anil Sharma and Sanoj Sharma put him down on the ground and pressed his neck. Other accused persons also assaulted Dhruv Sharma with Lathi and Garasa. Manglawati Devi pressed the testicle of Dhruv Sharma.

The learned counsel for the petitioner submits that, of course, the petitioner is named in the FIR but no specific allegation of assault is made against the petitioner. Ramashish Sharma and Rambali Sharma got simple injuries. Dhurandar Sharma got four injuries but the injuries are simple in nature, although the doctor advised for X-ray and C.T. scan. Dhruv Sharma died during the course of treatment due to pressing of his neck.

From perusal of the FIR, it appears that there is allegation that all the accused persons assaulted. Similarly situated other accused persons have been granted regular bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same

is rejected.

If the petitioner surrenders in the court below, i.e., the learned Judicial Magistrate, 1st class, West Champaran at Bettiah in Kangali P.s. case No. 26 of 2015, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated other accused persons have already been granted regular bail and dispose of the bail petition of the petitioner, preferably, on the same day.

(Prabhat Kumar Jha, J)

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