

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16617 of 2016

Arising Out of PS.Case No. -429 Year- 2015 Thana -KATIHAR District- KATIHAR

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Ramchandra Sharma, s/o late Shiv Prasad Sharma. r/o Anathalay Road,
Loharpatti, P.S- Katihar town, District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate
For the State : Mr. Nirmal Kumar Sinha (App)
For the informant : Mr. Ajit Kr. Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner, State and informant.

The petitioner apprehends his arrest in connection with Katihar Town P.S. Case No. 429/2015 registered for offence punishable under Section 304/34 of the Indian Penal Code.

It is contended on behalf of the petitioner that the death was due to accident as there was heavy raining and the old wall fell upon the deceased which is apparent from the first information report. It is further contended that though it is alleged that the accused persons went there and started abusing the informant side and pushed the wall but it does not appear from first information report that they assembled there with intention to kill. It is further contended that two of the co-accused persons namely Kishore Sharma and Amit Kr. Sharma have already been

granted regular bail by a coordinate Bench of this Court. It is urged on behalf of the petitioner that the aforesaid persons never filed any application for grant of anticipatory bail as they were arrested by the police on 02.12.2015 which would be evident from paragraph 35 of the case diary. It is contended that there was no intention of killing the accused and the death was accidental. It is also urged that there is a civil litigation going on between the parties as would be evident from Annexure-2 and a *sanha* was also lodged by the petitioner side which would be evident from Annexure-3.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Ramchandra Sharma be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Katihar Town P.S. Case No. 429/2015, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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