

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38279 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -MADHUBANI TOWN District- MADHUBANI

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DUKHAHARAN SHARMA @ DUKHANAN SHARMA Son of Sukhdeo
Sharma, R/o Village- Basuara, P.S.- Madhubani Town, District-
Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard Mr. Gagan Deo Yadav, learned counsel for the

petitioner and Mr. Jagdhar Prasad, learned counsel for the State.

The petitioner apprehends his arrest in connection
with Madhubani Town P.S. Case No. 99/2017 registered for the
offence(s) under section(s) 302/34 of the Indian Penal Code.

This petitioner is full brother of deceased and
allegation is that this petitioner and his son abused and assaulted
the father of informant. The assault by son of this petitioner
proved fatal to the deceased.

The learned counsel for the petitioner submits that the
occurrence of assault took place as the deceased had opposed his
brother's son while removing soil from his land. The petitioner is
full brother of the deceased and the death of the deceased has



actually taken place on account of cardiac failure and so, the petitioner deserves anticipatory bail.

The learned Additional Public Prosecutor opposed the aforesaid submission

On perusal of the FIR, I find that there is specific allegation that this petitioner and his son assaulted the victim, as a result of which he sustained head injury and thereafter, he was moved to hospital where he was declared dead.

Considering the nature of allegation, facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner and accordingly, his prayer is rejected.

(Sanjay Kumar, J)

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