

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11612 of 2017

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

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Nandeo Sharma, Son of Late Jagadish Sharma, Resident of Village-
Shishwapatti, Ward No. 8, Police Station-Gwalpara (O.P. Arar), District-
Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party : Mr. Nawal Kishore Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 21.07.2015
in connection with Gwalpara P.S. Case No. 58 of 2015 for the
offences instituted under Sections 323, 341, 342, 354, 307, 504
and 506/34 of the IPC.

It is alleged by the informant, namely, Mira Devi, that on
27.05.2015 at about 13.00 hours, while she was fencing her land
with *Tat* then this petitioner reached there, abused and prohibited
her from fencing the land and when she told that she will fence her
land from the *Tat* then petitioner and other co-accused persons
started assaulting her by slaps and when her husband, Dinesh
Sharma, came there to save her then this petitioner pressed the



testicles of her husband in order to kill him and co-accused Prabhu Sharma twisted the neck of her husband and all accused persons including the petitioner started assaulting her husband by legs and fists due to which her husband became unconscious and fell down on the ground and accused persons fled away feeling that her husband has died.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 20647 of 2016 dated 19.07.2016 taking into account that the specific allegation was made against the petitioner for pressing the testicles of the deceased which led to death of the deceased. This fact has also been supported from the postmortem report. The case of the petitioner stands on different footing than the case of other co-accused person, namely, Prabhu Sharma, who has been granted bail by this Court vide Cr. Misc. No. 34608 of 2016. The petitioner is the main assailant of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Gwalpara P.S. Case No. 58 of 2015, pending in the court of the learned J.M. Ist Class, Uda-Kishunganj, Madhepura.

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(Sudhir Singh, J)

