

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51333 of 2017

Arising Out of PS.Case No. -168 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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Uttam Sharma S/o Shankar Sharma, R/o Village- Chandpur, P.S.-
Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh Mr. Rahul Kumar Singh
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Gautam Kumar Kejriwal Mr. Mohit Agarwal

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

3 22-12-2017 Heard learned counsels for the petitioner, informant
and APP for the State.

The petitioner seeks bail in connection with
Shahkund (Sajor) P.S. Case No. 168 of 2016 registered under
Sections 147, 148, 149, 323, 324, 302, 504 and 506 of the Indian
Penal Code.

The petitioner is said to have given repeated blow
on the head of the husband of the informant namely, Sudhir
Sharma by means of khanti over planting of jackfruit tree in the
gair majarua land and the victim succumbed to his injuries during
course of treatment.

It is submitted by learned counsel for the petitioner
that there is case and counter case between the parties. Father of



the petitioner has filed case against the deceased and others regarding the said occurrence preceding to the case under hand. Doctor treating the said deceased has opined in death certificate the cause of death as cardio respiratory failure. There is two days delay in filing FIR. The petitioner has been languishing in custody since 25.07.2017.

On the other hand, learned APP and learned counsel for the informant vehemently opposing the bail petition submitted that the petitioner has repeatedly given khanti blow on the head of the victim which proved fatal. It is also submitted that two days delay in filing the FIR occurred due to awful business of the informant in the treatment of the deceased in Patna who ultimately passed away. It is further submitted that the postmortem report of the deceased candidly indicates that the deceased has sustained two lacerated injuries on his head which was found as cause of death of the said deceased by the doctor. The independent witnesses have also supported the aforesaid occurrence.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer of bail is rejected.

(Prakash Chandra Jaiswal, J)

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