

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29424 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

- =====
1. Jitendra Sharma son of Kapildeo Sharma
 2. Sonu Sharma son of Jitendra Sharma Both residents of Village - Jhanhawa, P.S. Sidhwalia, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 21-08-2017 Heard both sides.

The petitioners apprehend their arrest in Sidhwalia P.S. Case No. 07/2017, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The wife of the deceased alleged that her husband was taking the animals for grazing, but the animals entered into the field of Jitendra Sharma. On such Jitendra Sharma and his two sons namely, Sonu Sharma and Monu Sharma assaulted her husband with stick.

Learned counsel for the petitioners submits that the occurrence took place on 18.01.2017, but the F.I.R. was lodged after 19 hours. There is inordinate delay in lodging the case. There is no specific allegation against any of the petitioners. From



perusal of the post-mortem report, it would appear that the deceased got one injury on his head on account of which he died. Monu Sharma has already been granted regular bail by this court vide order passed in 23005/2017.

Learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner.

The wife of the informant made allegation that on 18.01.2017 at 4.00 p.m. her husband was taking animals for grazing, the animals entered into the sugarcane field of Jitendra Sharma. Jitendra Sharma and his two sons namely, Sonu Sharma petitioner no. 2 and Monu Sharma assaulted her husband. Her husband was referred to P.M.C.H. for treatment where he died during the course of treatment. During the course investigation, the witnesses have stated that the petitioners also assaulted the deceased.

Considering the facts aforesaid and the fact that petitioners are also alleged to have assaulted the husband of the informant along with Monu Sharma, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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