

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10342 of 2019

Arising Out of PS. Case No.-390 Year-2018 Thana- BIHIA District- Bhojpur

ANIL SHARMA (Male), aged about 30 years, Son of Late Ram Layak Sharma, resident of Village- Anar, P.S. Bihiya, District- Bhojpur(Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Aditya Nath Pandey, Advocate.
For the Opposite Party : Mr.Dr. Indiwari Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 11.10.2018 in a case for the offence registered under Sections 302 and 379/34 of the IPC.

The prosecution story, in brief, is that on 07.10.2018, Anil Sharma (petitioner) alongwith an unknown person came to the house of the informant and took her husband Dhanesh Yadav to his house for giving Rs. 2,60,000/- Lacs which was given by Dhanesh Yadav to the petitioner. After one hour, Dhanesh Yadav returned and said that he did not get money. Later on, he was again called by the petitioner for getting money. He proceeded at 7.30 with this petitioner at Village-Anar. Thereafter, the informant got information at 8.30 that her



husband has been killed at Village-Anar by some dangerous weapons in front of house of Dinanath Yadav. One Mobile and Rs. 20,000/- were disappeared from the pocket of her husband. The son of the informant came and said her mother that after going to his father, he also went at Village-Anar to see his father and saw that Anil Sharma (petitioner), Rahul Paswan and 1-2 other unknown persons were fleeing after killing his father. She claimed that due to previous enmity, this petitioner, Rahul Paswan and 1-2 unknown persons killed her husband.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the F.I.R., there is no eye witness to the manner of occurrence. The son of the deceased has claimed that he has seen the accused persons fleeing away from the place of occurrence. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The witnesses in paragraph nos. 20, 21, 22 and 25 of the case diary



have supported that the deceased had come to the shop of the petitioner where altercation took place and in course of that, the deceased sustained injuries and succumbed to death.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Bihiya P.S. Case No. 390 of 2018, pending in the court of learned A.C.J.M.-5, Bhojpur, Ara.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of this order.

The District Magistrate, Bhojpur at Ara and the Superintendent of Police, Bhojpur at Ara, are also directed to ensure that the prosecution witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Bhojpur at Ara and the Superintendent of Police, Bhojpur at Ara.

(Sudhir Singh, J)

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