

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13323 of 2019**

Arising Out of PS. Case No.-98 Year-2018 Thana- TIKAPATTI District- Purnia

JALDHAR SHARMA Son of Late Rajo Sharma Resident of Chharraapatti
Nagrah Basa, P.S.- Tikapatti, Distt - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Kumar, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 06.06.2018 in a case registered for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Vikash Kumar Sharma, recorded by Nand Kishore Yadav, S.I.-cum- SHO, Tikapatti Police Station on 05.06.2018 at 10.45 A.M., to the effect that all the sixteen FIR named accused persons assaulted the father of the informant with *lathi*, *danda* and *dabia*, as a result, he died on the spot.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general against



16 accused persons, including the petitioner. The accusation has been levelled in the background of admitted land dispute for which Case No.28 of 2013-14 and Mutation Revision Case No.45 of 2015-16 are pending. It is further submitted that similarly situated Co-accused Sindo Devi and Patri Devi have been granted bail by a Co-ordinate Bench of this Court vide order dated 04.12.2018, passed in Criminal Miscellaneous No. 69272 of 2018, whereas co-accused Akshay Sharma has been granted bail vide order dated 06.02.2019, passed in Criminal Miscellaneous No. 6740 of 2019 and seven other co-accused persons have been granted bail by a Co-ordinate Bench of this Court vide order dated 21.01.2019 passed in Criminal Miscellaneous No. 70857 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the omnibus and general nature of accusation, investigation being concluded and the fact that similarly situated co-accused have been granted bail, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above



named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea in connection with S. T. No. 422 of 2018, arising out of Tikapatti P.S. Case No. 98 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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