

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77088 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- JADOPUR District- Gopalganj

Bitoo Sharma, S/o Rameshwar Sharma, Resident of Village- Baraipatti, P.S.-
Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
09.05.2018 in a case registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report of Rajeshwar Sharma submitted to the Station
House Officer, Jadopur Police Station is to the effect that on
07.05.2018 at 8.00 P.M., the informant was at his house, in the
meantime, on the sudden alarm, the informant came outside
the house and saw that his son Birendra Sharma is being
assaulted by co-accused Yashwant Sharma, Ramesh Sharma,
Bideshi, Santosh, Sandeep and the petitioner Bitoo Sharma. It
is alleged that co-accused Santosh Sharma caught hold the



hands of the son of the informant, while petitioner Bitoo Sharma and Sandeep Sharma caught hold the waist of the informant's son, whereas, co-accused Bideshi Sharma and Ramesh Sharma caught hold the legs of the informant's son and on the order of co-accused, Sandeep Sharma, co-accused Yashwant Sharma injured the informant's son by assaulting with a knife. Subsequently, the informant's son succumbed to the injuries in the hospital.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. The accusation of giving knife blow is not against the petitioner, rather it has been levelled against co-accused, Yashwant Sharma. It is further submitted that the similarly situated co-accused persons, namely Bideshi, Ramesh Sah and Santosh Sharma, who are alleged to have caught hold the hands and legs of the informant's son, have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 56112 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 after going through the case diary submits that there is specific accusation against the



petitioner that he caught hold the waist of the informant's son, though the accusation of giving knife blow is against co-accused Yashwant Sharma.

Considering the fact that the thrust of accusation of causing knife injury is against co-accused, Yashwant Sharma, 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 ADJ-V, Gopalganj, in connection with Yadopur P.S. Case No. 38 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

