

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38363 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SAHPUR District- Bhojpur

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Birendra Sharma Son of Dahari Sharma Resident of Village - Banahi, P.S.-
Shahpur, Dist.- Bhojpur. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Shahpur P.S. Case No. 06 of 2019 registered for the offence
punishable under Sections 323, 341, 307 and 34 of the Indian
Penal Code to which Section 302 of the Indian Penal Code
was added subsequently.

As per allegation in the FIR, two accused persons
including this petitioner are said to have assaulted the informant
and his brother with Lathi on their heads. Subsequently, his
brother died.

It is submitted by learned counsel for the petitioner
that from the FIR itself there is no specific allegation against
this petitioner. The allegations are general and omnibus in
nature. It is further stated that FIR was registered on 5.1.19



(Saturday) but the same was received in court on 09.01.2019 (Wednesday) after four days. The petitioner is in custody since 11.03.2019.

The application for bail is opposed by learned APP for the State and submits that there is direct allegation against the petitioner in the FIR and even in course of investigation prosecution case has been supported by the informant, who happens to be the full brother of the deceased and an eye witness to the occurrence.

Having heard learned counsel for the parties and taking into consideration the fact that petitioner is in custody since 11.3.2019, has no criminal antecedent and the allegations are general and omnibus in nature this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM, XIV, Bhojpur at Ara in connection with Shahpur P.S. Case No. 06 of 2019.

(Partha Sarthy, J)

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