

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60092 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- KOPA District- Saran

SURYAVANSHI SHARMA, aged about 65 years, Gender-Male, Son of Late Gharbharan Sharma, R/o Village- Anwal, P.S.- Kopa, District- Saran at Chapra.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dewendra Narayan Singh, Advocate.
For the Opposite Party : Mr.Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-10-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 149, 323, 324, 307, 302 and 504 of the IPC.

The prosecution story, in brief, is that on 10.06.2019 at 7.15 P.M. when the informant was sitting at his cattle yard alongwith his son Sandesh Kumar Sharma, in the meantime, F.I.R. named accused persons after offering the Namaz in the Masjid went behind the Masjid and made gossip. Thereafter, Naushad, Badshah and Rabbul Mian abused and assaulted the informant. When his daughter, wife and others came to rescue, they have also been assaulted. The injured were admitted in



hospital for treatment. Thereafter, Zaka, Nazir and Azad caught his son Randhir Kumar Sharma and Naushad, Shamsheer and Alisher picked out knives and gave repeated knife blows on the stomach and back of informant's son causing injuries. He was admitted in Hospital at Chapra for treatment but on the way he died. Other injured are getting treatment at Sadar Hospital, Chapra. The reason behind the occurrence is due to erection of wall of the house.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 08.07.2019. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Specific allegation of assault is against co-accused Naushad Shah, Shamsheer Shah and Alisher Shah. The said accused are named in the F.I.R. The informant is an eye witness to the alleged occurrence. He did not name the petitioner in the F.I.R. Later on, in course of investigation, in his restatement, he has raised suspicion against the petitioner. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case.



On behalf of the State and the informant, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- Vth, Saran at Chapra, in connection with Kopa P.S. Case No. 84 of 2019.

U.K./-

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

(Sudhir Singh, J)

