

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32367 of 2020

Arising Out of PS. Case No.-252 Year-2020 Thana- DEHRI TOWN District- Rohtas

1. Dineshwar Sharma, aged about 50 years, Male, S/o Late Ramji Sharma, R/o village- Suara, P.S.- Dehri, District- Rohtas
2. Virendra Sharma @ Bijendra Sharma, aged about 40 years, Male, S/o Late Ramji Sharma, R/o village- Suara, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-01-2021 Heard Mr. Krishna Prasad Singh, the learned Senior Counsel for the petitioners, Dineshwar Sharma and Virendra Sharma @ Bijendra Sharma and Mr. B.N. Pandey, the learned Additional P.P.

The petitioners seek bail in Dehri (Nagar) P.S. Case No.252 of 2020, registered under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The informant alleged that on 02.04.2020, his uncle and cousin were cultivating their own field but Dineshwar Sharma, petitioner no.1, Virendra Sharma, petitioner no.2, Santosh Sharma and others also came and assaulted his cousin,



Ajit Kumar by means of lathi and rod. The cousin of the informant got injury on his head and he was referred to Varanasi. The informant further alleged that his father was also assaulted and they took Rs.1000/- from the pocket. When the villagers came, the accused persons fled away.

Learned counsel for the petitioners submits that the informant alleged that all four accused persons including the two petitioners assaulted indiscriminately on the head of Ajit Kumar, the cousin of the informant but from perusal of the injury report issued by Narayan Medical College & Hospital, it would appear that Ajit Kumar got no external injury on his body. However, there was a vomiting tendency and on C.T. Scan left parietal temporal bone was found fractured. There is one single blow. The informant did not make any specific allegation against any of four accused persons. Four person are alleged but only one single blow was found on the head of the deceased. Petitioners are in jail since 07.04.2020. There is a bona fide land dispute and the offence cannot be said to be come within 302 simplicitor. There might have been some scuffle between the two sides in which the brother of the informant may have got injury on his head.

The learned Additional P.P. did not dispute the facts.



Perused the records and the case diary. It appears that four persons are alleged to have assaulted the deceased with lathi and iron rod, but no external injury was found on the head of the deceased. On C.T. Scan, the left parietal temporal bone was found fractured by hard and blunt object. There is a single blow and for that the petitioners have remained in jail for about nine months.

Considering the facts aforesaid, petitioners, namely, Dineshwar Sharma and Virendra Sharma @ Bijendra Sharma are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Dehri, District Rohtas in connection with Dehri (Nagar) P.S. Case No.252 of 2020.

(Prabhat Kumar Jha, J)

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