

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34463 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- SAUR BAZAR District- Saharsa

Mahendra Sharma (M), aged about 53 years, S/o Chamru Sharma, R/o Village Kavaia Tola Pama, P.S. Saur Bazar (O.P. Patarghat), District Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-02-2021

Heard both sides.

The petitioner seeks bail in Saur Bazar P.S. Case No.16 of 2020, registered under Sections 147, 148, 149, 341, 342, 323, 325, 307, 302, 120(B), 201 and 379 of the Indian Penal Code.

The informant, mother of the deceased, disclosed that her son Sudhir Kumar had gone to the house of his sister, but he did not return. When the informant inquired from her daughter, her daughter disclosed that Sudhir Kumar left her house at 7.00 P.M. Later on the informant came to know that her son was killed by Mahendra Sharma, Niranjana Kumar Mehta, Siko Sharma, Surendra Sharma, Vakil Sharma, Bal Binder Sharma, Jay Kumar Sharma, Rupesh Sharma, Kailash Sharma and others. The informant went to the place of occurrence and saw the dead body of her son lying near the cattle shade of the petitioner, Mahendra Sharma. Blood was oozing from different parts of his body.

Learned counsel for the petitioner submits that during



the course of investigation, it has come that the deceased was trying to commit theft of she-goat of the petitioner and that is why the villagers caught him and assaulted Sudhir Kumar. There is no eye witness to show that the petitioner assaulted Sudhir Kumar. It is further submitted that the only material against the petitioner is that the dead body was found near the cattle shade of the petitioner and there is allegation that the petitioner and others on the allegation of theft brutally assaulted the deceased and killed him on the spot. The postmortem report also shows that the deceased was brutally assaulted.

Having considered the submissions of both sides, it appears that the dead body of the deceased was found in premises of the cattle shade of the petitioner. It has come that the petitioner and others assaulted the deceased on the allegation that he was committing theft of she-goat of the petitioner.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

If the trial is not concluded within nine months, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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