

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36477 of 2020

Arising Out of PS. Case No.-216 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

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Lakshman Sharma, aged about 45 years, male, son of late Hardeo Sharma,
Resident of Village- Katara Kala, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

Mr. Pawan Kumar Singh, Adv.

For the informant : Mr. Rajesh Kumar Pathak, Adv.

For the State : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 09-03-2021 Heard the counsel for the parties.

The petitioner seeks bail in connection with
Mohania P.S. Case No. 216 of 2020, dated 15.07.2020,
instituted for the offences under Sections 341, 323, 307,
504, 506 and 34 of the Indian Penal Code. Later on,
Section 302 of the I.P.C. was added.

The petitioner and his brother are said to have



assaulted the informant and his brother who had come to the rescue of the informant, leading to the death of one Mahendra Prajapati, the brother of the informant.

Learned counsel for the petitioner has submitted that the scuffle initially was with the informant on the issue of taking passengers in the vehicle which the petitioner used to ply on roads. In the meanwhile, the brother of the informant arrived and even if he was assaulted, it cannot be said that the petitioner or his brother had any intention to cause such bodily injury on him which would have, in ordinary course of nature, led to his death.

This arguments is self-defeating in as much as the injuries if found in ordinary course of nature to be sufficient cause of death, a case under Section 302 of the I.P.C. would surely be made out.

Be that it it may, the only ground which is available to the petitioner is that there is no specific accusation of assault and it is stated in a general manner that the informant and his brother were assaulted.

I have perused the *postmortem* report, which has



been sent along with the copy of the case diary.

The *postmortem* report reveals that there is contusion all over inside the scalp.

Considering the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present, notwithstanding the fact that he is in custody since 28.07.2020 and the charge-sheet in this case has already been submitted.

The prayer for grant of bail of the petitioner is, accordingly, rejected.

If there is no substantial progress in the case before the Court below, the petitioner would be at liberty to approach this Court again for grant of bail, provided the delay is not attributable to him.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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