

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37609 of 2020

Arising Out of PS Case No.-60 Year-2020 Thana- GWALPARA District- Madhepura

Shashi Sharma, aged about 43 years (Male), Son of Late Hiro Sharma,
Resident of Village - Rampuriya Wasa, Ward No. - 15, PS - Gwalpara, District
– Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh with Mr. Sanjay Kumar Singh, Advocates
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Ram Shankar Sah, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-03-2021

Heard Mr. Ramesh Kumar Singh along with Mr. Sanjay Kumar Singh, learned counsel for the petitioner; Mr. Uma Shankar Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Ram Shankar Sah, learned counsel for the informant.

2. The petitioner is in custody in connection with Gwalpara PS Case No. 60 of 2020 dated 10.05.2020, instituted under Sections 30 and 120B/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of killing the husband of the informant with sharp edged weapon.



4. Learned counsel for the petitioner submitted that in the FIR itself, it has been mentioned that there was past enmity and this is the reason for false implication as there is no witness to the incident and only on suspicion, he has been made accused. Learned counsel submitted that even the confession is before the police which has no value in the eyes of law. Learned counsel submitted that there was motive for false implication and further that the witnesses who have been examined have given identical statement before the police which indicates that the same was tutored. Learned counsel submitted that the petitioner is in custody since 11.05.2020. He further pointed out that though the husband of the informant went missing on 08.05.2020 and the body was recovered on 09.05.2020 and also postmortem performed, but the FIR has been lodged only on 10.05.2020, for which there is no explanation.

5. Learned APP, from the case diary, submitted that witnesses have stated that due to the past conduct of the deceased with the wife of the petitioner, the police had come and got the matter pacified after reprimanding the deceased and further that on 08.05.2020, the son of the petitioner had caught a goat belonging to someone else and the deceased along with others, for such act, had tied up the son of the petitioner and the petitioner



along with another person (not accused) in the present case, had come on a motorcycle and taken him back and the very same night, the incident has occurred. Learned counsel submitted that witnesses have been consistent and further that in the confessional statement of the co-accused, the specific role of assault by *dabia* on the deceased has been assigned to the petitioner.

6. Learned counsel for the informant adopted the arguments of learned APP.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioner, at this stage.

8. Accordingly, the application stands dismissed.

9. However, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

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