

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5270 of 2021

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

SANTOSH SHARMA, aged about 30 years, Gender-Male, S/o Virendra Sharma @ Bijendra Sharma, Resident of Village- Suara, P.S.- Dehri, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 10-08-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

A supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

In light of the supplementary affidavit filed on behalf of the petitioner, learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 1 of the present bail application.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in connection with Dehri Nagar P.S. Case No. 252 of 2020 for the offence registered under Sections 341, 323, 307, 379, 504/34 of the



I.P.C. Later on, Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that on 02.04.2020 at about 12.00 P.M. in the day, the informant, namely, Rakesh Kumar, was cultivating in his land where co-accused Dineshwar Sharma, Virendra Sharma and Santosh Sharma, sons of Late Ramji Singh and Santosh Sharma (petitioner), son of Virendra Sharma, came together with and assaulted on the head of his cousin brother, namely, Ajit Kumar, with Lathi-Danda and rod causing head injury. When the informant came to rescue him, he was also assaulted by the accused persons. Ramji Sharma, Santosh Sharma, Virendra Sharma assaulted the informant's father on the left hand causing hand injury. The accused persons also took Rs. 1,000/- from the pocket of the informant's father and after seeing the villagers, they fled away from there.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Altogether three persons including the petitioner are said to have assaulted with Lathi, Danda and rod on the head of the deceased. From perusal of the postmortem report, it appears that there is single surgical stitched wound on



the head of the deceased. The allegation of assault upon the deceased is not corroborated by the postmortem report. Other co-accused persons have been granted regular bail by the then Co-ordinate Bench of this Court vide Cr. Misc.No. 32367 of 2020 under order dated 15.01.2021

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the present bail application stands disposed of in connection with Dehri (Nagar) P.S. Case No. 252/2020, pending in the court of learned Judicial Magistrate-Ist Class, Dehri, Rohtas, with a direction that if the petitioner surrenders in the learned court below and prays for regular bail, the same shall be considered by the learned court below in light of the order passed by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 32367 of 2020 under order dated 15.01.2021 and if possible, be disposed of, preferably on the same day.

(Sudhir Singh, J)

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