

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19190 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- BARHARA KOTHI District- Purnia

MADAN SHARMA SON OF SADANAND SHARMA R/O VILLAGE-
DARGAH BELAPEMU, P.S.- BARHARA KOTHI
(RAGHUBANSHNAGAR O.P.), DIST.- PURNEA Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.APP
For the Informant Mr. Sanjay Kr. Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Barhara P.S. Case no. 174 of 2020 instituted for the offence
under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 379
of the Indian Penal Code.

As per allegation in the FIR, co-accused Sabita Devi
called the brother of the informant at her courtyard. With a view
to implicate him, she raised hulla then some accused persons



and FIR named accused persons including the petitioner armed with weapon came there and assaulted him at the instance of her father-in-law resulting into his head injury. Ultimately, he died in the way to hospital.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. General and omnibus allegation of assault has been levelled against the petitioner. Specific allegation is against co-accused Sabita Devi and Sadanand Sharma, who are the conspirator and order giver of killing. From perusal of the injury report, it reveals there is one lacerated wound on right forearm and another lacerated wound is on mid upper head caused by hard and blunt substance.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Barhara P.S. Case no. 174 of 2020, he will be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st Purnia subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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