

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27291 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- RAMPUR CHAURAM District-
Jehanabad

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GOVIND KUMAR, S/O SRI RAJENDRA SHARMA, R/o village- Gaura,
P.S.- Rampur Chauram, District- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 05-04-2022 Heard Sri Ajay Kumar Thakur, learned counsel for the

petitioner and Sri Jharkhandi Upadhyay, learned A.P.P. for the

State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Rampur Chauram P.S. Case No. 31 of 2020, registered for the
offence punishable under Section 341, 323, 307, 379, 504 and
506/34 of the Indian Penal Code subsequently U/s 302 of the
I.P.C. has been added, pending in the Court of learned Addl.
Chief Judicial Magistrate-1st, Arwal.

The prosecution story, in brief, is that on 02.06.2020
at 3.00 P.M., while the informant was in front of his house,
accused persons named in the F.I.R. and two other unknown



armed with iron rod, lathi, danda came there and started abusing to informant and assaulted his father namely Indra Sen Sharma on his head. On protest, the informant and his father were assaulted by accused persons with intention to kill them.

Learned counsel appearing on behalf of petitioner submits that petitioner is innocent and he has falsely been implicated in this case. It is his specific submission that altercation took place and both the parties assaulted each other. It was the spur of the moment that for his self defence the petitioner had given blow on the head of the deceased and it cannot be said that he had exceeded the right of his private defence. In paragraph Nos. 40 to 43, the witnesses in their statement under Section 161 Cr.P.C. have stated that it was the informant, who had tried to capture the land of the petitioner and altercation took place in which both the sides sustained injury and in course of the said altercation, the deceased received injury and died. He submits that the petitioner had taken specific plea of his right of private defence and it cannot be said that petitioner has exceeded the right of defence by virtue of Sections 96 and 100 of the Indian Penal Code. The petitioner is in custody since 10.09.2020.

Having perused the F.I.R. of both the side, it is



admitted that fight took place between the parties in which this petitioner had badly assaulted Indra Sen Sharma, whose injury according to the Postmortem has been caused in the occipital region of the skull causes death, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for grant of regular bail is rejected.

However, the learned trial Court is directed to conclude the trial expeditiously, well within a period of nine months. If no substantial progress takes place in trial, the petitioner, if so advised, may renew his prayer for bail after nine month.

(Purnendu Singh, J)

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