

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32594 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- MUFFASIL District- Aurangabad

1. RAJU SHARMA Son of Parmod Sharma, Resident of Village - Ora Tola Munshibigha, Police Station - Mufassil, District - Aurangabad.
2. Rinku Sharma Son of Krishna Sharma, Resident of Village - Ora Tola Munshibigha, Police Station - Mufassil, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary
For the Opposite Party/s : Mr. Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 18-05-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as Mr. J. N. Thakur, the learned Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioners has submitted that on 10.05.2022, this application was dismissed as withdrawn with respect to petitioner no. 2, Rinku Sharma.

Petitioner No. 2 was arrested, as such, the petition on his behalf was dismissed as withdrawn vide order dated 10.05.2022.



Petitioner no. 1 apprehends his arrest in connection with Aurangabad Muffasil P.S. Case No. 245 of 2020 registered for offence punishable under sections 147, 149, 302, 120(B)/34 of the Indian Penal Code.

As per allegation, when the father of the informant was going to attend the call of nature, eight named accused persons, including the petitioner came there by a vehicle registration No.UP 14 GT 2434 and they badly assaulted informant's father with *lathi*, stick etc. The reason behind occurrence is that co-accused Sudarshan Sharma, prior to this case, attempted to finish the life of the informant's father and his uncle. The names of eye-witnesses are Upendra Paswan, Prem Kumar and Shyam Deo Paswan.

The learned counsel for the petitioner has submitted that the informant's father died in a road accident. He has submitted further that there was earlier dispute between co-accused Sudarshan Sharma and the informant's father. The petitioner is nephew of Sudarshan Sharma and it was the reason that he has falsely been implicated in this case. He has also submitted that as per *post mortem* report, the cause of death is hemorrhage and asphyxia. By drawing my attention of two witnesses, namely, Sudarshan Yadav and Ramjanam Yadav in the case diary, the



learned counsel for the petitioner has submitted that they have stated that the informant's father died in a road accident.

Mr. J.N.Thakur, the learned Additional Public Prosecutor has stated that the statements of Ramjanam Yadav and Sudarshan Yadav have been recorded by the I.O. at subsequent stage and on initial stage, the witnesses, including the eye-witnesses have supported the prosecution case. The petitioner is named in the FIR and there is specific allegation against him that he along with other accused persons, badly assaulted the deceased with *lathi* and stick which resulted into his death.

Considering the above-mentioned facts and circumstances, I do not find it a fit case for anticipatory bail. Accordingly, the prayer for anticipatory bail on behalf of the petitioner is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

