

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28886 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- KHUTAUNA District- Madhubani

RAM KUMAR SHARMA S/O VACHU SHARMA RESIDENT OF
VILLAGE- MURARPATTI NAVTOL, P.S. - KHUTAUNA, DIST.-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-10-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within one
month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Khutauna P.S. Case no.
14/2021 registered for the offence punishable under section 302/34 of
the Indian Penal Code and section 27 of the Arms Act.

As per allegation, petitioner and co-accused took the
victim along with them on the relevant date of occurrence and when
victim did not return till night, the informant tried to search on
mobile phone of the victim but it was found switched off and then
victim's father made enquiry from the petitioner on his mobile phone
but no satisfactory answer was given by the petitioner with regard to
presence of the victim and next day search was made by the



informant and thereafter dead body of the victim was found in a field. Informant claims that petitioner, Ram Udgar Sharma and unknown persons killed his son by firing due to mutual enmity.

The main submissions advanced by Sri Hriday Narayan Harshit, the learned counsel appearing for the petitioner are that against the petitioner there is no material or evidence, as a matter of fact, no occurrence as alleged in the FIR took place, petitioner has been made accused due to village politics and during investigation, independent witness has not supported the allegation concerned to the petitioner. Further submission is that petitioner has been languishing in jail since 10.3.2021 having clean antecedent.

Sri Khurshid Anwar, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and the case diary of the case. The instant matter relates to murder of informant's son and the petitioner is named in the FIR and as per allegation, petitioner and co-accused took the victim along with them on the relevant date of occurrence and thereafter mobile phone of the victim was found switched off and then victim's father made enquiry from the petitioner on mobile phone but no satisfactory answer was given by the petitioner with regard to presence of the victim and search was made by the informant and thereafter dead body of the victim was found in a field. As per inquest report as well as post mortem report cause of death of victim was opined by the doctor concerned as



hemorrhage and shock caused by firearms. During course of investigation house of the petitioner was searched and firearm which was allegedly used in committing murder of the victim was recovered of which detail has been mentioned at para 39 of the case diary. Allegation made against the petitioner in the FIR has been supported by the witnesses at paras 7 and 8 of the case diary.

All these discussed facts and cumulative evidence against the petitioner, in the opinion of this court, petitioner does not deserve privilege of bail and accordingly his prayer for bail stands rejected.

Trial court is directed to expedite the trial of the petitioner if the same has started and take steps to conclude the same as early as possible. The petitioner may renew his prayer for bail after examination of private prosecution witnesses.

(Shailendra Singh, J)

s.hassan/-

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

