

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46792 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- KEWATI District- Darbhanga

RAM BABU SHARMA S/o Chhakauri Sharma Resident of Mohalla/Vill -
Majhigama, P.S. - Keoti, Distt. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 147, 148, 149, 341, 323 and 504 of the Indian Penal Code.

As per the prosecution case, on an altercation between the parties it is stated that the petitioner assaulted Ratilal Sharma with a bamboo stick as a result of which he fell down injured. He was taken to the DMCH where he died in course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No material was transpired in course of investigation to connect the petitioner with the alleged crime. The manner of occurrence is other than what has been narrated in the FIR. In fact Ram Sakal Sharma and Bhola Nand Sharma had come to the house of the



petitioner and requesting him to come along with them to the house of the informant and the petitioner was only trying to settle the matter. However altercation took place wherein as a result of assault by Bhola Nath Sharma with a *lathi*, one of the swings hit the deceased causing serious injuries and leading to his death in course of treatment. The petitioner is in custody since 15.2.2021 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that as per the FIR the petitioner is the assailant of the deceased and the allegations in the FIR is supported by the contents of the postmortem report.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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