

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53288 of 2022**

Arising Out of PS. Case No.-85 Year-2021 Thana- OBRA District- Aurangabad

NAWNEET SHARMA @ NAWNEET KUMAR Son of Sri Rambachan  
Singh R/V- Surkhi, P.S- Obra, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. P.K. Sahi, Senior Advocate |
|                          |   | Mr. Ravindra Kumar, Advocate   |
| For the Opposite Party/s | : | Mr. Uday Pratap Singh, APP     |
| For the Informant        | : | Mr. Shekhar Kumar, Advocate    |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      14-11-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State as  
well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of  
four weeks from today.

The petitioner seeks bail in connection with Obra P.S.  
Case No. 85 of 2021 registered for the offence under Sections 341,  
323, 504, 506, 379, 307 and 34 of the Indian Penal Code and  
Section 302 of the IPC was subsequently added.

The accused/petitioner is named in the F.I.R. and is in  
custody since 12.07.2022.

The allegation against the petitioner is to commit  
murder of brother of the informant along with other co-accused  
persons, due to dispute related with mining issues, while causing



assault by iron rod.

Learned senior counsel appearing on behalf of the petitioner submitted that the petitioner has falsely been implicated in the present case, due to mining dispute. It is further submitted that allegation of assault is not appearing specific against this petitioner, as per bare perusal of FIR, rather same is appearing general and omnibus in nature against this petitioner along with other co-accused persons, where, one of them, namely, Bablu Sharma, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 26903 of 2022 dated 01.08.2022. It is further pointed out by learned senior counsel that no external injury were visible during post-mortem and also no internal injuries were noticed in cranial part (internal brain). As per postmortem report, it was the impact of hard and blunt object, as to cause death of brother of informant, suggesting thereof that the injuries received by deceased was due to accident, during the course of occurrence. It is further submitted that the fracture noticed is on non-vital part of the body i.e. nose and mandible, where deceased leaved hospital against medical advice (LAMA) and as such, was himself responsible to aggravated the consequence of injuries, what he received during course of occurrence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-



sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that it was this petitioner, who was equipped with iron rod and as such, it can be safely gathered that alleged injury was caused by this petitioner only.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner raised specific to cause fatal assault, merely on the basis of suspicion as this petitioner was equipped with iron rod, which is otherwise, appearing general and omnibus in nature, from bare perusal of FIR and also by taking note of injuries coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Obra P.S. Case No. 85 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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