

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.220 of 2022

Arising Out of PS. Case No.-155 Year-2020 Thana- AKHODHIGOLA District- Rohtas

Dharmdeo Sharma, Son Of Jai Ram Sharma, R/O Village- Langeshar Bigaha,
P.S.- Akodhigola, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar, Advocate
For the Informant	:	Mr. Kamla Kant Tiwary, Advocate
For the State	:	Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 11-08-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Akodhigola P.S. Case No. 155 of 2020, G.R. No. 1441 of 2020 and Sessions Trial No. 66 of 2021, registered for the alleged offences under Sections 341, 323, 302, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the informant and his family members were assaulted by the petitioner and his family members on account of some land dispute. As per allegation, the



petitioner fired upon the brother of the informant and shot him twice. The victim was taken to the hospital where he was declared brought dead.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Supposing the prosecution case to be true, it could be said that the petitioner reacted in self-defence as the land dispute is apparent from the FIR itself and the petitioner was being assaulted by the informant and his family members and the act of the petitioner would be covered under right to private defence under Sections 100, 102 and 103 of IPC. For assault by the informant's side, the petitioner has registered Akhodhigola P.S. Case No. 157 of 2020 under Section 341, 323, 307, 504, 506 and 34 of the IPC. Learned counsel further submits that the deceased might have died in the hands of the informant, who wanted to grab the property of his deceased brother and the petitioner has falsely been made accused taking advantage of the dispute. Learned counsel further submits that the petitioner is in custody since 23.12.2020 and charge-sheet has already been submitted in this case.

Learned counsel appearing on behalf of the informant vehemently opposes the submission made on behalf of the



petitioner submitting that the petitioner's side was assailant and it is clear from the FIR that they came to the land of informant and tried to forcibly stop them from using the said land. There is specific allegation against this petitioner that he fired upon the brother of the informant and killed him. Learned APP supports the contention of the learned counsel for the informant submitting that all the witnesses in the case diary have supported the prosecution case against this petitioner that he fired upon and shot dead the brother of the informant.

Perused the records.

Having regard to the nature of allegation against this petitioner which is quite serious and grave and it is specific against this petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial.

(Arun Kumar Jha, J)

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