

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11681 of 2023

Arising Out of PS. Case No.-336 Year-2018 Thana- BAKHARI District- Begusarai

1. AMAR KUMAR SHARMA Son of Late Ram Sudan Sharma R/V-
Gangraho Mohanpur, P.s- Bakhri, Dist- Begusarai
2. Shiv Ratan Kumar @ Shiv Ram Kumar Son of Late Ram Sudan Sharma
R/V- Gangraho Mohanpur, P.s- Bakhri, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-05-2023 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 307, 504, 304/34 of the Indian Penal Code.

It is alleged that these petitioners alongwith other F.I.R. named accused persons assaulted husband of informant, as a result of which, he died in course of treatment.

It is submitted on behalf of petitioners that allegation of assault is general and omnibus and no specific overt act has been alleged against these petitioners. Informant and petitioners are own *Gotiya* and there is land dispute between the parties. F.I.R. has been lodged after a delay of two days without any plausible explanation of delay. Petitioners claim clean antecedent.



However, learned A.P.P. for the State opposed the bail petition and submitted that petitioners are named in the F.I.R. and there is specific allegation against these petitioners that they alongwith other co-accused brutally assaulted the deceased. As per *post-mortem* report, the cause of death is Haemorrhagic and Neurogenic shock due to injuries and head injuries caused by heavy, hard and blunt substance.

Considering the same, the prayer for anticipatory bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

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