

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12174 of 2023

Arising Out of PS. Case No.-51 Year-2022 Thana- BHAPTIAHI District- Supaul

JIT NARAYAN SHARMA @ JITAN NARAYAN SHARMA Son of Ramdev
Sharma R/v- Gardhia, Ward No. 9, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANITA DEVI Wife of Late Chandu Ram R/v- Gardhia, Ward No. 9, P.S.-
Bhaptiyahi, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 324, 457, 302 of the Indian Penal Code but the cognizance has been taken u/s 147, 148, 149, 341, 323, 324, 457, 354B, 307 302 and Section 8 of the POCSO Act.

According to prosecution case, the informant's daughter saw one person fleeing away from her window and therefore, she shouted and the accused person was caught by the informant. In the meantime, the petitioner and other family members armed with lethal weapons started assaulting the informant and others. During course of this incident, one



Nageshwar Sharma assaulted the father-in-law of the informant by means of knife due to which he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. From perusal of F.I.R., there is no specific allegation of any assault or overt act attributed against the petitioner rather the same is attributed against other co-accused persons namely, Ravindra Sharma and Nageshwar Sharma. It is further submitted that other co-accused namely, Rajendra Sharma has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.4.2023 passed in Cr. Misc. No. 70551 of 2022 hence, the case of this petitioner stands on similar footing of that of the co-accused. Moreover, the petitioner has got no criminal antecedents and languishing in judicial custody since 28.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



released on bail in connection with Bhaptiyahi P.S. Case No. 51
of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand)
with two sureties of the like amount each to the satisfaction of
learned A.D.J.-VI-cum-Special Judge POCSO Court, Supaul.

(Sunil Kumar Panwar, J)

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