

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12065 of 2023

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

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NAGESHWAR SHARMA Son of Ramdev Sharma R/v- Gardhia, Ward No. 9,
P.S.- Bahptiyahi, 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.-
Bahptiyahi, District- Supaul

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Bhaptiyahi P.S. Case No. 51 of 2022 instituted for the offence
under Sections 147, 148, 149, 341, 323, 324, 457, 302 of the
Indian Penal Code but charge sheet has been submitted u/s 147,
148, 149, 341, 323, 324, 457, 354B, 307, 302 of the I.P.C. and
section 8 of the POCSO Act.

As per allegation in the FIR, on the alleged date of
occurrence, the informant heard the sound of cry of his
daughter. Thereafter, the villagers caught hold the co-accused
Ravindra Sahrama. After that the petitioner along with co-
accused persons armed with various weapons assaulted the



father-in-law of the informant. During course of this incident, the the petitioner assaulted to informant's father-in-law by means of knife due to which he died on spot.

Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to enmity between the parties. The informant is not eye witness of the alleged occurrence. The petitioner has got no criminal antecedent as stated in para-3 of the petition. It is further submitted that the petitioner is languishing in judicial custody since 21.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the informant has made specific allegation that he assaulted the deceased by means of knife due to which he became unconscious and died on spot. The postmortem report corroborates the prosecution case wherein, doctor opined the cause of death is due to Cardio-Respiratory failure due to hemorrhage caused by sharp as well as hard & blunt substance. It is further submitted the witnesses of this case have also supported the prosecution.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to



enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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