

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22379 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- BANMANKHI District- Purnia

Parmeshwari Sharma S/o Giro Sharma, R/o village-Makhnaha Sharma Tola,
Ward No. 12, P.S.- Banmankhi, District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Banmankhi P.S. Case No.118 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 354, 452, 307, 302 and 325 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is in custody since 16.04.2022.

4. Allegation against the petitioner is to commit murder of the father of informant along with other co-accused persons/family members by making an assault using *lathi*, rod, etc. causing bodily and head injuries, where occurrence is arises out of long standing land dispute.

5. It is submitted that the occurrence is free fight in



nature and for the same set of occurrence, a counter case was also lodged by petitioner's side, which has been registered as Banmankhi P.S. Case No.119 of 2022. It is submitted that both parties received injuries during the course of occurrence. It is submitted that allegation to cause fatal assault is available against co-accused, namely, Binod Sharma and Sita Ram Sharma, whereas the allegation against the petitioner is limited to be a part of mob only, who is a man of clean antecedent. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as specific allegation of fatal assault is available against co-accused, Binod Sharma and Sita Ram Sharma, where allegation against petitioner is limited to be part of mob only, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.04.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No.118 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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