

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21426 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- DERNI BAZAR District- Saran

Pintu Sharma @ Pintu Kumar Sharma, S/O Late Babuajee @ Rajendra
Sharma R/O Village- Lohachha Sutihaar, P.S.-DERNI, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Akhileshwar Pandey, Advocate
For the Opposite Party/s :	Mr. Ashok Kumar Singh, APP
	Mr. Binod Kumar, Advocate
	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 17-05-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Derni P.S. Case no.214
of 2022 registered under sections 302, 307, 341, 323, 324, 325,
504 and 34 of the Indian Penal Code.
3. As per the prosecution case, it is stated by the
informant that on hearing that the accused persons were
harvesting the crops in his land, he went to protect the same. It
is stated that the 8 named accused persons including the
petitioner herein as also 4-5 other persons reached there.
Tarkeshwar Singh stated that he should be killed on which all
the accused persons surrounded the informant and started to



assault him seriously injuring him. On Suresh Singh, Raju Singh and Kaushal Kumar coming to the informant's rescue, it is stated that Shailesh Singh struck with a sword on Kaushal Kumar as a result of which his leg was cut. With the assistance of the local people and the police personnel, the injured were taken to the hospital from where they were referred to the PMCH. The husband of the informant died in course of treatment.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegations so far as the petitioner is concerned are general and omnibus in nature. Specific allegation as per the F.I.R is on Tarkeshwar Singh giving orders and on Shailesh Singh having struck with a sword seriously injuring the legs of Kaushal Kumar. The petitioner is in custody since 11.11.2022 and charge-sheet has been submitted in the case. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the F.I.R but there is direct allegation against him of having actively participated in the occurrence which led to



brutal killing of the husband of the informant. It is submitted that as a result of their active participation and other witnesses having supported the case of the prosecution in course of investigation, it is not a case for grant of bail.

6. Having heard learned counsel for the parties and having perused the order of the learned Court below rejecting the application for bail of the petitioner, it transpires that so far as the allegations in the F.I.R with respect to the petitioner are concerned, the same are general and omnibus in nature. The specific allegation is on Tarkeshwar Singh and Shailesh Singh. The petitioner has remained in custody for 6 months since 11.11.2022, charge-sheet has been submitted in the case and he has no criminal antecedent.

7. In view of the facts of the case, the petitioner is directed to be enlarged on bail in connection with Derni P.S. Case no.214 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Saran at Chapra.

(Partha Sarthy, J)

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