

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24464 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- BIHARIGANJ District- Madhepura

RAJENDRA SHARMA @ RAJANDAR SHARMA S/o- LATE THITHAR
SHARMA RESIDENT OF VILLAGE SARAUNI KALA WARD NO 11, PS-
BIHARIGANJ DIST- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 05.12.2022 seeks
bail, in connection with Bihariganj P.S. Case No.161/2022,
dated 24.06.2022, for the offences punishable under Sections
147, 148, 149, 447, 448, 341, 323, 324, 307, 302, 427, 379, 504
& 506 of the Indian Penal Code.

3. According to prosecution case, the allegation
against the petitioner is that he along with the co-accused
namely Vijendra Sharma cut both the hands of the father of the
informant, while he was fallen on the ground by the assault of
other co-accused persons and during course of treatment the
father of the informant died.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R., it appears that there is general and omnibus allegation against all the accused persons including the petitioner and due to admitted land dispute the present occurrence has taken place. He further submits that co-accused, namely, Fulchand Sharma @ Phulchand Sharma has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.03.2023 passed in Cr. Misc. No.68304/2022. He further submits that the petitioner is aged about 60 years and there is no specific allegation of any assault or overt act attributed against the petitioner, so, the petitioner may be enlarged on bail.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted with axe upon the deceased and the postmortem report also supports the allegation as alleged in the F.I.R. and number of witnesses in the paragraph 7, 8, 96 and 97 of the case diary supports the prosecution version.



6. Considering the fact that there is direct and specific allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Bihariganj P.S. Case No.161/2022, pending in the Court of learned A.D.J.-VIII, Madhepura.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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