

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23079 of 2023

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

BIJO SHARMA S/o Rajendra Sharma R/o Village Sarauni Kala Ward No. 11,
P.S.-Bihariganj, District-Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in connection with Bihariganj P.S. Case No. 161 of 2022 dated 24.06.2022 registered for the offences punishable u/s 147, 148, 149, 447, 448, 341, 323, 324, 307, 302, 427, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution case, the petitioner and the other co-accused persons came to the house of the informant and started damaging the house of the informant. On being



objected, by the informant and his family members, they brutally assaulted them and the co-accused persons assaulted the father of the informant causing serious injury to him and when the brothers of the informant tried to rescue, the other co-accused persons also brutally assaulted them causing severe injury. When the nephew of the informant came to rescue, this petitioner along with other accused persons assaulted him. They also took away household articles, cash, ornaments from the house of the informant. The father of the informant died during his treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The main allegation of assaulting the deceased on his head is against the other co-accused persons. The allegation against the petitioner is only of assaulting the informant's brother. Similarly situated co-accused has already been granted bail by the co-ordinate bench *vide* order dated 16.05.2023 passed in Cr. Misc. No. 18518 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 05.12.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhepura in connection with Bihariganj P.S. Case No. 161 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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