

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37740 of 2022

Arising Out of PS. Case No.-657 Year-2021 Thana- MASAUDHI District- Patna

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AMARNATH SHARMA S/O LATE RAMESHWAR PRASAD SHARMA
Resident of Village- Saguni, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 13-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 307, 506/34 of the Indian Penal Code and later on added Section 302 of the IPC.

As per prosecution story, the informant alleged that on 16.11.2021 at around 02:30 pm, his father Rameshwar Prasad Sharma was sleeping at his door, the petitioner along with co-accused came with pistol, iron rod in their hand and started asking to the informant's father to register the property in their name, on which he refused to register the property as per their request. Then co-accused



Avinash Chandra pointed pistol and told if registry will not be done as per their wishes, he will kill him. Thereafter, a scuffle was made between them and in that course, the petitioner and co-accused Ravi Shankar Kumar assaulted him by means of iron rod with the intention to kill him, as a result of which he badly injured and became unconscious. On hearing his voice, the informant and other family members reached there and saw that Avinash Chandra was holding a pistol in his hand and Amarnath Sharma and Ravi Shankar Kumar were saying that if you file a case, they will kill his entire family. Further, it is alleged that informant's injured father was taken to Avadh Hospital, Main Road, Masaurhi, from where he was referred to Patna, seeing the situation worrying, they admitted him to Harrison Multispeciality Hospital in Patna. Due to his serious condition, informant father was died.

Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. The petitioner has falsely been implicated by the informant in this present case with a view to grab the entire joint family properties. During investigation, it is found that one



independent villager Gajendra Prasad Singh stated that on alleged date of occurrence, he heard the sound from the house of deceased but when he reached there he found deceased lying and at that time no any male member was present there and only female members were there. It is evident from FIR that the alleged occurrence took place on dated 16.11.2021 but the FIR has been lodged in delay of more than one week on 24.11.2021. In any view of the matter as the deceased has already sold more than 40 bigha of land out of 80 bigha, there is no question that the petitioner will kill him because he has already executed sale deed for more share which will be allotted to him. It is further submitted that the petitioner is languishing in judicial custody since 21.2.2022.

Learned counsel on behalf of the informant submits that the incident took place because the deceased was not ready to accede to the illegal and unjust demands of the petitioner and due to which the informant's father has been killed. It is further submitted that several documents have been produced on behalf of the informant. From perusal of documents of Harrison Multi-specialty Hospital



(A Unite of RASP Healthcare Pvt. Ltd.) it appears that the deceased namely, Rameshwar Prasad Sharma was admitted on 16.11.2021 and remained in treatment up to 24.11.2021 and on that day he died in the said hospital. Thereafter, the postmortem of the deceased was conducted at PMCH, Patna which was prepared by Dr. Shabbir Ahmad Chaudhary, MO/PG(FMT), PMCH, Patna who is also one of the prosecution witness. It was found several grievous head injuries on the deceased body and gave his opinion that the cause of death was Craniocerebral damage is traumatic brain injury i.e. brain dysfunction caused by an outside force, usually a violent blow to the head. From perusal of the nature of injury, it is clear that the deceased has been severely beaten on vital part of the body i.e. head and as a result of which the deceased died.

Learned APP appearing for the state has also opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in



connection with Masaurhi P.S. Case No. 657 of 2021 on
furnishing bail bond of Rs.10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of
learned Additional Chief Judicial Magistrate, Masaurhi,
District-Patna.

(Sunil Kumar Panwar, J)

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