

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64590 of 2022**

Arising Out of PS. Case No.-176 Year-2022 Thana- BAKHARI District- Begusarai

Mithlesh Sharma @ Mithlesh Kumar S/O Ramdeo Sharma R/O Village-
Mauzi, P.S.- Bakhari, Distt- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujit Kumar Sinha

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 24-02-2023 Heard learned counsel for the petitioner,

learned counsel for the informant and learned APP for

the State.

The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 302/34 of the Indian

Penal Code.

The prosecution case in nutshell is that

petitioner along with other co-accused persons were

constructed hut on the vacant land of husband of

informant, namely, Madan Sharma. When he raised

protest, then petitioner along with other co-accused



persons assaulted him with bamboo on his head, due to which Madan Sharma(husband of informant) succumbed to injuries.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is no specific allegation against the petitioner rather the specific allegation of assaulting by means of Bamboo is levelled against co-accused, Deepak Kumar. There is land dispute between the parties. It is also submitted that petitioner is languishing in judicial custody since 5.6.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is further submitted in para 9 of the petition that similarly situated co-accused person, namely, Madhu Devi @ Madhu Kumari has been granted Bail in Cr. Misc. No. 51228 of 2022.

Learned APP appearing for the State and learned counsel for the informant have vehemently



opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration 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 enlarged on bail in connection with Bakhari P.S. Case No. 176 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 Sub Judge VII-cum-A.C.J.M. VI, Begusarai.

(Sunil Kumar Panwar, J)

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