

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68304 of 2022

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

PHULCHAND SHARMA Son of Narayan Sharma R/O Village - Saraunia
Kala, Ward No.- 11, P.S. - Bihariganj, District - Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 307/302/379/504/506 and other ancillary sections of the Indian Penal Code.

Prosecution case is that the FIR named accused persons including the petitioner and 20 to 25 unknown miscreants came to the door of the informant, abused and assaulted him. Co-accused Amit Sharma assaulted with dabiya causing cut injury on the stomach of informant's father Visheshwar Sharma, whereas co-accused Rajendra Sharma caused cut injury on his both hands. When brother and nephew of the informant came in rescue, petitioner and other accused persons assaulted him and took out Rs.4000/- from the pocket of one Dilip Sharma. Accused persons also took away house hold articles and jeweleries worth Rs.3 lacs. Informant's father died



in the hospital during treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is land dispute between the parties. Petitioner is not the assailant of the deceased and he is alleged to have assaulted Dilip Sharma whose injuries have been found to be simple in nature. It is further submitted that there is delay of five days in lodging of the FIR and there is no plausible explanation of delay which itself creates doubt over the prosecution case. Petitioner has got no criminal antecedent.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate Udakishunganj, Madhepura in Bihariganj Police Station Case No. 161 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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