

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5055 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Krishna Sharma @ Krishna Kumar Vishwakarma son of Parmanand Sharma
@Parmanand Vishwakarma Resident of Village- Bilrua, PS- Vijaepur,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Akash Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Vijayepur P.S. Case no.259 of 2023 registered under sections 307, 341, 323, 504, 337, 338 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that the nine named accused persons including the petitioner herein came and surrounded the informant and others. It is stated that the petitioner and one Sanjay Sharma assaulted the informant's brother leading to serious injuries. Further, others were also assaulted. It is lastly stated that Subhawati Devi was assaulted by the petitioner with a lathi as a result of which she



sustained injuries on her nose and fell down unconscious.

4. Learned counsel for the petitioner submits that Sharmanand Vishwakarma having died in course of treatment, section 302 of the Indian Penal Code was added. The allegations are general and omnibus in nature. The injury report does not support the prosecution case. The petitioner is in custody since 23.8.2023 and has no criminal antecedent. He undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the specific allegation against this petitioner and one another is of having assaulted the brother of the informant who subsequently died. There is further allegation against the petitioner of having assaulted and breaking the nose of one Subhawati Devi.

6. Having heard learned counsel for the parties and taking into consideration the specific allegations in the F.I.R. of the petitioner having assaulted the brother of the informant who subsequently died in course of treatment as also the allegation of assault on Subhawati Devi, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. In the facts and circumstances of the case, liberty is



granted to the petitioner to renew his prayer for bail after six months or on framing of charge, whichever is later.

(Partha Sarthy, J)

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