

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16856 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- ATRI District- Gaya

1. Nand Lal Sharma Son Of Mundrika Sharma Resident Of Village- Malbigha, Ps- Atri, Distt- Gaya
2. Baijnath Sharma Son Of Late Mahendra Sharma Resident Of Village- Malbigha, Ps- Atri, Distt- Gaya
3. Ramswarup Sharma Son Of Lalkesar Sharma Resident Of Village- Malbigha, Ps- Atri, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 30-04-2024 Heard learned counsel for the petitioners and learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Atri P.S. Case No. 424 of 2023 instituted for the offence under Sections 302, 34, 504 & 506 of the Indian Penal Code.

3. Prosecution case as emanated from the First Information Report is that on 05-09-2023, dispute arose on account of irrigation of field whereafter, co-accused including the petitioners came, variously armed, and assaulted the husband of the informant, due to which he died.

4. It has been submitted on behalf of the petitioners



that the petitioner are in custody since 07-09-2023. Petitioners are man of clean antecedent.

5. It has been further submitted by the petitioners' counsel that petitioner has been falsely implicated in the present case. It is submitted that there is general and omnibus allegation against the petitioners. It is further submitted that deceased was a criminal and active member of naxal group and used to threaten persons of the locality. So far as injury of the deceased is concerned, it was found on the scalp and there is no specific allegation that who has assaulted on the scalp of the deceased. It is lastly submitted that police after investigation has submitted charge sheet under Section 302, 504, 506/34 of the IPC.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is submitted that there is specific allegation against petitioner No. 2 of assault upon the deceased by means of '*danda*'. It is also submitted that all the witnesses have supported the prosecution version. It is lastly submitted that cause of death is due to severe hemorrhage, shock and brain injuries, which fact finds mention in the order impugned.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner Nos. 1, & 3,



there being no direct allegation against petitioner No. 1 and 3 and charge sheet being submitted, this Court is inclined to grant bail to the petitioner No. 1 and petitioner No. 3.

8. Let the petitioner No. 1, namely, **Nand Lal Sharma** and petitioner No. 3, namely, **Ramswarup Sharma** be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Atri P.S. Case No. 424 of 2023.

9. So far as petitioner No. 2, namely, Baijnath Sharma is concerned, considering the direct allegation against petitioner No. 2 and nature and gravity of offence, this Court is not inclined to grant bail to the petitioner No. 2

10. Accordingly, prayer for grant of bail to petitioner No. 2 is hereby **rejected**.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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