

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31445 of 2024

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

Amit Sharma @ Makurchand Sharma Son Of Suresh Sharma Resident Of
Village- Saraunia Kala, Ward No.- 11, P.S.- Bihariganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2024 Heard Mr. Pawan Kumar, learned counsel for the

petitioner and Mr. Raj Kishor Singh, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.07.2022 in connection with S.T. No. 319 of 2022 arising out
of Bihariganj P.S. Case No. 161 of 2022, F.I.R. dated
24.06.2022 for the offences punishable under Sections 147, 148,
149, 447, 448, 341, 323, 324, 307, 302, 427, 379, 504 and 506
of the Indian Penal Code.

3. Earlier the bail application of the petitioner has
been rejected by this Hon'ble Court vide order dated 24.06.2023
passed in Cr. Misc. No. 10216 of 2023. Thereafter, the petitioner
has again moved before this Court for grant of bail in Cr. Misc.
No. 13236 of 2024 which was dismissed as withdrawn vide



order dated 01.03.2024.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that as per the allegation in the F.I.R the petitioner has assaulted the father of the informant by means of iron rod due to which he died. Apart from that the co-accused, namely, Suresh Sharma has also assaulted the father of the informant and he has been granted bail by a Co-ordinate Bench of this Court vide order dated 08.11.2023 passed in Cr. Misc. No. 18658 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the allegation against the co-accused, Suresh Sharma is that he assaulted the father of the informant by means of *Dabia* but no injury was found on the person of the deceased regarding the same therefore, he has been granted bail by Hon'ble Court and there is specific allegation against the petitioner that he has assaulted the father of the informant by means of iron rod and the postmortem report also support the allegation as alleged in the F.I.R. He further submits that the cause of death is found to be head injury.



6. Considering the aforesaid facts and circumstances,
I am not inclined to enlarge the petitioner on bail in connection
with S.T. No. 319 of 2022 arising out of Bihariganj P.S. Case
No. 161 of 2022 pending in the court of learned Additional
Sessions Judge VIII, Madhepura.

7. Prayer is refused.

8. However, learned Trial Court is directed to expedite
and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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