

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55013 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- ASHTHAWAN District- Nalanda

SANTOSH SHARMA @ SANTOSH KUMAR SON OF LATE
RAMANAND SHARMA @ RAMNANDAN SHARMA RESIDENT OF
VILLAGE- KONAND, P.S.- ASTHAWAN, DISTT.- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-09-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Ashthawan P.S. Case no.23 of 2024 registered for the offence punishable under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that as a result of earlier dispute between the parties, the accused persons including the petitioner herein started to abuse the informant and the members of his family. In course of dispute, it is stated that the petitioner pushed the 80 year old mother of the informant as a result of which she fell down. She was lifted and taken inside the house however she died.

4. Learned counsel for the petitioner submits that



the petitioner has been falsely implicated in the case. Accepting the allegations in the FIR, it is submitted that no case under section 302 of the Indian Penal Code would be made out against this petitioner. The petitioner is not said to be armed with any weapon. He has no criminal antecedent and 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 not only the petitioner is named in the FIR but there is direct allegation against him of having abused, assaulted and having pushed the 80 year old mother of the informant leading to her death. Referring to the contents of the post-mortem examination report, it is submitted that the same supports the allegations against the petitioner in so far as the cause of death is said to be intracranial hemorrhage and shock due to antemortem injuries caused by hard and blunt object. It is submitted that it is not a case for anticipatory bail.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the contents of the post-mortem report and the petitioner not having any criminal antecedent, it is directed that



the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Ashthawan P.S. Case no.23 of 2024 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 Judicial Magistrate, Nalanda at Biharsharif, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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