

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56137 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- BASANHI District- Saharsa

Dhanoj Sarma @ Ghanoj Sarma @ Dhanoj Sharma S/o Raj Kumar Sharma
R/o vill - Korlahi, ward no. 39, P.s. - Saharsa Sadar, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha
For the Opposite Party/s : Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner preferred this application for grant of regular bail in connection with Session Trial No. 218 of 2024 arising out of Basnahi P.S. Case No. 02 of 2024 dated 02.01.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 302 and 120B/34 of the I.P.C.

3. As per the prosecution case, on 01.01.2024 at about 4.00 P.M., when the informant's husband went to the house of the co-accused Bijendra Sharma for demand of his dues amount of *Toto* vehicle fare, he refused to give the money, abused and assaulted him. On protest made by the informant, the co-accused Bijendra Sharma, Sundari Devi, w/o Bijendra Sharma,



Paviya Devi, Nanaku Sharma, Janak Kumar, Dhanoj Sharma (petitioner) and Sundar Devi, w/o Dhanoj Sharma abused and brutally assaulted with lathi, danda and rod, due to that, he sustained injuries and the co-accused Bijendra Sharma assaulted with rod on the head of the informant's husband, as a result of which, he fell down on the ground. On hulla, when the informant's brother-in-law (Dewar) Ravi Kumar came to rescue him, he was also abused and assaulted by the all accused persons. The injured was brought to P.H.C., Sonbarsa wherefrom he was referred to Sadar Hospital, Saharsa then to Surya Hospital and thereafter was referred to Patna but on the way to Patna he died in Ambulance.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner. The specific allegation of assault on the head of the informant's husband with iron rod is alleged against the co-accused Bijendra Sharma and not against the petitioner. It is submitted that it has been mentioned in the impugned order that as per postmortem report, the deceased died due to head injury, the injury on the vital organ brain, caused by hard and blunt substance. The petitioner has clean



antecedent as stated in paragraph no. 3 of the bail petition. Similarly situated co-accused has already been granted bail by this court vide order dated 08.07.2024 passed in Cr. Misc. No. 43682 of 2024. He is in custody in this case since 04.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned Saharsa in connection with Session Trial No. 218 of 2024 arising out of Basnahi P.S. Case No. 02 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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