

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60322 of 2024**

Arising Out of PS. Case No.-11 Year-2024 Thana- Chiraiya District- Saharsa

Lalo Sharma Son of Sri Bino Sharma, R/o Vill.- Raithi, P.O.- Kavira, P.S.- Chiraiya, Dist.- Saharsa.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP
For the Informant : Mr. Ayush Abhishek, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mrs. Vaishnavi Singh, learned counsel for the petitioner and learned Additional Public Prosecutor for the State. The informant appears through Mr. Ayush Abhishek, learned counsel.

2. The petitioner seeks regular bail, who is in custody in connection with Chiraiya P.S. Case No. 11 of 2024, initially registered for the offences punishable under Sections 447, 323, 324, 379, 307, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. Based upon the written report, the prosecution alleges that all the FIR named accused persons including the



petitioner came at the door of the informant and started abusing. On protest being made, it is specifically alleged that co-accused Dhrub Kumar and Jyoti Kumar assaulted the son of the informant by means of iron rod due to which he sustained head injury, which proved fatal. It is further alleged that when the informant and her husband came to rescue of their son, they were also assaulted by the petitioner by means of lathi. Further allegation has been levelled against all the five named accused persons of assault and snatching of valuables.

4. Learned counsel for the petitioner referring to the FIR, contended that specific allegation of causing assault by means of iron rod has been levelled against Dhrub Kumar and Jyoti Kumar and the postmortem report of the deceased suggests only one injury on fronto-parietal bone of skull. There was no abrasion over the body of the deceased and this is also the case of the prosecution that no other accused persons barring Dhrub Kumar and Jyoti Kumar assaulted the deceased. So far the injury sustained to the informant is concerned, though she was examined by the doctor on 30.03.2024 but barring complaint of headache, no injury has been found. Learned counsel for the petitioner next contended that so far the injured Triveni Pandit is concerned, during the course of investigation, none has



disclosed that he has sustained any injury. It is also contended that though it was an unfortunate incident in which the son of the informant died but the allegation levelled in the FIR clearly suggests that the petitioner was not instrumental to the same. The reason behind the said occurrence is a dispute on account of plucking of corn resulting into case and counter case being Chiraiya P.S. Case No. 10 of 2024. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State and learned counsel for the informant vehemently opposed the bail application and submitted that a small boy of the informant was done to death by all the accused persons including the petitioner. The reason for delay is writ large that all the family members were engaged in treatment of the victim, who subsequently died due to his injury.

6. Regard being had to the submissions made on behalf of the parties and considering the specific accusation of causing assault to the deceased only against co-accused persons, coupled with the fact that the allegation of assault against the petitioner leading to injury to the informant is found to be simple; besides the factum of case and counter case and delay in



lodging FIR; moreover the petitioner bears fair antecedent and now the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, 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 learned Additional Chief Judicial Magistrate-I, Saharsa in connection with Chiraiya P.S. Case No. 11 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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