

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70463 of 2024

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

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Bijendra Sharma S/O Prakash Sharma R/O Village- Godram, Pachauri Tola,
Ward No. 2, P.S.- Basnahi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Adv

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-09-2024 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 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 petitioner for demand of his dues amount of Toto vehicle's fare, he refused to give the money, abused and assaulted him. On being protested by the informant, the petitioner and his wife namely, Sundari Devi along with the co-accused persons



Paviya Devi, Nanaku Sharma, Janak Kumar, Dhanoj Sharma and Sundar Devi, w/o Dhanoj Sharma abused and brutally assaulted with lathi, danda and rod, due to which he sustained injuries and the petitioner 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. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.01.2024. It is further submitted that the charge sheet has already been submitted.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the specific allegation is against the petitioner to assault the husband of the informant brutally with iron on his head due to which he died. As per the post mortem report, the cause of death



is head injury caused by hard and blunt substance.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Session Trial No. 218 of 2024 arising out of Basnahi P.S. Case No. 02 of 2024 pending in the court of learned District and Sessions Judge, Saharsa.

7. The application stands rejected.

8. The learned trial court is further directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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