

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4846 of 2025

Arising Out of PS. Case No.-134 Year-2021 Thana- SIDHWALIYA District- Gopalganj

1. Saraswati Devi W/o Late Kasturi Sharma Residents of village- Bishunpura Bazar, PO- Bishunpura, PS- Sindhwaliya, District- Gopalganj
2. Ravindra @ Ravi Sharma @ Ravindra Sharma S/o Sri Balishtar Sharma Residents of village- Bishunpura Bazar, PO- Bishunpura, PS- Sindhwaliya, District- Gopalganj
3. Basdev Sharma S/o Late Sheo Pujan Sharma Residents of village- Bishunpura Bazar, PO- Bishunpura, PS- Sindhwaliya, District- Gopalganj
4. Shivjhari Devi W/o Sri Balishtar Sharma Residents of village- Bishunpura Bazar, PO- Bishunpura, PS- Sindhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 302, 341, 323 and 504/34 of the Indian Penal Code.

3. As per prosecution case, on 11-04-2021 at 07:00 pm, son of informant Kanta Prasad and one Raju Kumar saw that some persons were cutting the wheat crop in his field then Kanta Prasad arrived there and saw that petitioners along with one other accused person in association with some other persons covering their faces were cutting the wheat crop of the field of the informant, when Kanta Prasad made protest, co-accused



Santosh Kumar told that his brother accused Raju Sharma has ordered to cut the wheat crop, if any body would obstruct, then kill him and he will manage the police. Thereafter, all the accused persons attacked on Kanta Prasad and slammed him down and co-accused Santosh Kumar sat on his chest and all the accused persons started assaulting him with fists and slaps and co-accused Santosh Kumar caught his neck. It is further alleged that when informant's younger son went to save, other persons covering their face attacked on him, however somehow he could save his life. Lastly, on *hulla*, informant and other villagers arrived at the place of occurrence, all the accused persons fled away. It is alleged that informant brought his son Kanta Prasad at Sadar Hospital Gopalganj for treatment and during course of treatment, he died.

4. Learned counsel for the petitioners submits that as per F.I.R., specific accusation is against other co-accused persons. So far as these petitioners are concerned, they are only alleged to have assaulted with fists and slaps. He further submits that the land in question mortgaged in the year 2017 and was cultivated till 2021 by petitioners. In the post-mortem report, doctor has not found any other injury on the person of deceased, except the injury i.e., *4th rib of right side of chest fractured with*



small area and hematoma on right lung size (2"x2") and that was held to be cause of death of deceased. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Sidhwaliya P.S. Case No. 134 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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