

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77860 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- KADAMKUAN District- Patna

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Hanuman Sharma @ Ajay Kumar S/o Arvind Sharma @ Arvind Mistri
Resident of Mohalla- Railway Hunter Road Khadpur, PS- Kadam Kuan,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 24-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kadam
Kuan P.S. Case No. 285 of 2024 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of beating the son of the Informant mercilessly
whereafter he was rushed to P.M.C.H., Patna for his treatment
and, thereafter, he died in course of his treatment.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case with false and frivolous allegations. The petitioner
has not committed any offence as alleged in the F.I.R. The F.I.R.



has been lodged after an inordinate delay of seven days without there being any plausible explanation for such delay which creates doubt in the prosecution case. He further submits that the dead body was cremated on 07.04.2024 without postmortem and the police was informed by the Informant on 08.04.2024 which also creates doubt in the prosecution case. There is no eye-witness to the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 11.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The injury report supports the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Learned counsel for the State has filed counter affidavit wherein referring to the letter dated 13.01.2025 written by the S.H.O. of Kadam Kuan Police Station, it has been stated that the son of the Informant died on 07.04.2024 and without information, cremated the dead body at Gulbi Ghat on the same day i.e. on 07.04.2024 and, thereafter, on 08.04.2024, the F.I.R. was lodged and, that is why, the postmortem of the deceased



was not conducted.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Kadam Kuan P.S. Case No. 285 of 2024.

(Rudra Prakash Mishra, J)

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