

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80001 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- KUNALI District- Supaul

Ashok Sharma S/o- Late Sukhdeo Sharma Resident of Village- Haripur, PS-
Kunauli District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 30-01-2026 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 448, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code which was earlier rejected vide order dated 07.04.2025 with an observation that the petitioner may be at liberty to renew his prayer for bail after six months, if the trial is not concluded.

3. Stage of trial has been called for from the learned trial court and from perusal of the report, it transpires that out of ten witnesses, only four witnesses have been examined.

4. The case of the prosecution is that the petitioner



assaulted with *kulhari* on the head of the father of the informant due to which he died.

5. Learned counsel for the petitioner has submitted that only victim has been examined in this case. It has also been argued by learned counsel for the petitioner that during trial, Veena Devi the wife of the deceased has been examined as P.W.-2 and in examination-in-chief, she has stated that the petitioner has assaulted with *kulhari* on his head due to which he fell down and died. In her cross-examination, she has stated that her husband was not there at the time of measurement. When all persons have returned after the measurement. After one and half hour, her husband has gone to see the land. He has gone there alone. When this witness reached there, her husband (deceased) was lying there and blood was oozing from his head only. She went there and tied his injury with *saree* and raised alarm. On alarm being raised, after 10-15 minutes, other villagers arrived there. In para-4, she has stated that at the time of occurrence, no male member was at the house. When the dead body of the deceased was received at her house from Patna, male members arrived. After this, she disclosed about the occurrence to them. After having discussions between them, the informant filed this case.



Learned counsel has further submitted that from perusal of the FIR, it is clear that the occurrence is of 21.04.2024 and fardebyan was recorded on 25.04.2024 whereas the case was registered on 28.04.2024. He has further submitted that this delay has not been examined by the prosecution. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 11.05.2024.

6. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail and has submitted that the informant has supported the case of the prosecution in his deposition and in examination-in-chief and cross-examination as well.

7. It is clear from the above discussions that P.W.-2 the wife of the deceased is the person who has seen the occurrence first of all and according to her version, she has not seen the occurrence.

8. Having heard learned counsel for the parties and considering the above facts and circumstances of this case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kunauli P.S. Case No. 50 of 2024 on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV, Supaul.

(Ashok Kumar Pandey, J)

Shubham/-

U		T	
---	--	---	--

