

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32068 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -SAHAR District- BHOJPUR

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GHUNGHUR SHARMA @ GHUNGHAR SHARMA son of Late Hira
Sharma, resident of village- Ekwary, P.S.- Sahar, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Chandra Has Mishra, Advocate

For the Opposite Party/s : Mrs. Veena Rani Pd.(APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 14-10-2015

Heard the parties.

The petitioner is in custody in connection with Sessions
Trial No. 27 of 2014 arising from Sahar P.S. Case No. 34 of 2014
registered under Section 302 of the Indian Penal Code.

The allegation against this petitioner as it reflects from
the FIR is that on hearing the sound of firing that the informant
along with his brother tried to find out from where the firing is
coming and in the process one of the bullet hit the brother of the
informant on his jaw causing his death. It is considering the
nature of allegation that the prayer of this petitioner was earlier
rejected in Criminal Misc. No. 44515 of 2014 and has been
renewed thereafter.

Mr. Chandra Has Mishra learned counsel appearing for
the petitioner with reference to the allegation mentioned in the FIR
as also noted in the impugned order passed by the Sessions Judge
submits that there is no allegation in the FIR which points out that

the petitioner aimed at the death of the brother of the informant rather the only allegation is that the petitioner indulged in indiscriminate firing which unfortunately hit the brother of the informant. He submits that the FIR in question is a counter blast to the FIR instituted by the wife of this petitioner placed at Annexure-3. It is stated that in the nature of allegations so set up against the petitioner, he is in custody since 28.3.2014.

Having heard learned counsel for the parties and considering the period of custody in the backdrop of the allegation, let the petitioner Ghunghur Sharma @ Ghunghar Sharma 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 Sessions Judge- III, Ara in connection with Sessions Trial No. 27 of 2014 arising from Sahar P.S. Case No. 34 of 2014 subject to the condition that he shall be personally present before the trial court on each and every date fixed and the failure on the part of the petitioner to present himself on two consecutive date fixed without reasonable explanation to the satisfaction of the trial court would entitle the court below to cancel his bail bonds and to take him into custody.

(Jyoti Saran, J)

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