

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3038 of 2016**

Arising Out of PS.Case No. -32 Year- 2009 Thana -AJIMABAD District- BHOJPUR

Kundan Sharma @ Sinchu Sharma son of Sri Mahesh Sharma resident of village Fatehpur, Police Station Paliganj in the district of Patna.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate  
For the Opposite Party/s : Mr. Satyendra Pd., APP  
For informant : Mr. Ansul, Advocate

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3 15-03-2016 Heard the learned counsel for the petitioner, the learned A.P.P. representing the State and the learned counsel for the informant.

The petitioner seeks bail in connection with Azimabad P.S. Case No. 32 of 2009 registered for the offences punishable under Section 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner and one unknown co-accused after chasing Anil Rai entered into the house of Dharamdeo Pandit where Anil Rai has hidden himself and thereafter the petitioner and co-accused shot him thrice resulting Anil Rai died at the spot.

Submission is of false implication and that the informant is not an eye-witness of the occurrence, the witnesses who have seen the occurrence have not stated the name of the petitioner and further co-accused Mirtunjay Rai in his confessional statement has also not stated the name of the petitioner and as such the petitioner deserves sympathetic consideration to which the learned APP duly assisted by the learned counsel for the informant opposes by submitting that the petitioner is the assailant.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Azimabad P.S. Case No. 32 of 2009 pending in the court of Sub-Divisional Judicial Magistrate, Ara.

**(Jitendra Mohan Sharma, J.)**

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