

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17897 of 2016

Arising Out of PS.Case No. -85 Year- 2015 Thana -KARJA District- MUZAFFARPUR

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1. Shyam Kumar @ Gabbar Son of Ramashray Paswan @ Ramashish
Paswan Resident of village- Chamarua, P.S.- Karja, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Nath Sharma

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-05-2016

Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the State.

The petitioner is in custody in connection with Karja
P.S. Case No. 85 of 2015 instituted for the offences punishable
under Sections 341, 307, 120(B)/34 of the Indian Penal Code
and Section 3/4/5 Explosive Substance Act, pending in the
Court of learned Chief Judicial Magistrate, Muzaffarpur.

It is alleged that the informant stated that his brother,
namely, Braj Kishore Sharma @ Madan Sharma was practicing
as a lawyer in Civil Court, Muzaffarpur and on 30.07.2015, as a
routine matter at about 09.15 A.M., the informant accompanied
his lawyer brother up to Rautaria Petrol Pump on a motor-cycle
in course of going to Civil Court, Muzaffarpur. It is further



stated that the moment Braj Kishore Sharma got down from the motor-cycle all of sudden (1) Shambhu Paswan and (ii) Guddu Kumar along with three unknown persons reached there on two motor-cycles. Shambhu Paswan abused Braj Kishore Sharma and said you do parvi in the case against my brother and exploded bomb upon Braj Kishore Sharma resulting that his brother sustained injuries and second bomb was also exploded resulting the death of another child Ashok Kumar. Informant claimed that Shambhu Paswan and others exploded bomb at the instance of his brother Shyam Kumar the petitioner. After reached the police on the spot and injured Braj Kishore Sharma was brought to the Muzaffarpur Hospital where the doctor declared him dead. The dead body was sent to S.K.M.C.H. Muzaffarpur for post-mortem examination. After the occurrence, all criminals fled away. It is also said in the First Information Report that on 13.07.2015 Braj Kishore Sharma was threatened by under Trail prisoner Shyam Kumar @ Gabbar Paswan that he will be killed.

It is submitted on behalf of the petitioner that the petitioner has been remanded in the present case on 05.01.2016. Charge-sheet has been submitted in the case. There is no overact as alleged against the petitioner nor the

petitioner is said to be at the place of occurrence. He has falsely been implicated in the present case.

It has been submitted on behalf of the State and the learned counsel for the informant that the petitioner is named in the F.I.R. On his instance, Guddu Paswan and Shambhu Paswan had committed the crime along with other three unknown persons. Two persons have been done to death, one is lawyer of the District Court and other is the 2 ½ years child.

Considering the aforesaid facts and circumstances, I am not inclined to release the above named petitioner and the same is rejected.

The court below is directed to take all necessary steps to conclude the trial within a period of one year from the date of receipt or production of a copy of this order.

(Sudhir Singh, J)

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