

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57593 of 2015

Arising Out of PS.Case No. -164 Year- 2013 Thana -HASPURA District- AURANGABAD

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1. Manoj Sharma.
 2. Satish Sharma.
- Both are sons of Surendra Prasad Sharma @ Sri Sumeshwar Sharma,
Resident of Village - Jaitpur, P.S. - Haspura, District - Aurangabad.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Informant : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 19-02-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State as also the learned counsel for the informant.

The petitioners seek bail in connection with Haspura P.S.
Case No.164 of 2013 registered under Sections 341, 323, 324 and
307/34 of the Indian Penal Code besides Section 27 of the Arms
Act.

The prosecution case, according to the fardbeyan of the
informant, Shree Kant Sharma, is that his brother-in-law
Satyendra Sharma, who was an Advocate, on 23.12.2013 at about
07.00 A.M. moved from the house for going to Civil Court,
Aurangabad. When he reached near village-Jaitpur, petitioners

alongwith two others came on two motorcycles and fired causing injury to him. Satyendra Sharma was rushed to Haspura Referral Hospital from where he was referred to P.M.C.H. for better treatment. Cause of occurrence is said to be land dispute.

Learned counsel appearing on behalf of the petitioners submits that the statement of the injured Satyendra Sharma is detailed in paragraph-24 of the case diary in which he has added the name of Sanjeet Sharma, the brother of the petitioners, as an accused saying that while he shot fire at him but the same passed through the upper portion of his head. Thereafter, petitioner Satish Sharma shot fire causing injury in between his chest and shoulder whereas the petitioner Manoj Sharma shot fire causing injury on his stomach. The fardbeyan of the injured Satyendra Sharma was also recorded by the Pirbahore Police at P.M.C.H. on 11.01.2014. It is further submitted that at the time of disposal of the bail application filed on behalf of Sanjeet Sharma alias Sanjeev Sharma bearing Criminal Misc. No.720 of 2016, the injured himself had appeared before this Court and had submitted that Sanjeet Sharma alias Sanjeev Sharma shot fire at his stomach. In fact, due to land dispute, the informant wants to put undue pressure upon the petitioners and has lodged this false case. Further submission is that while the injured in his statement, as

detailed in paragraph-24 of the case diary, stated that he had moved from the house alongwith his wife and children, but the witnesses, who reached just after the occurrence at the place of occurrence, whose statements are detailed in paragraphs-6, 7, 8 and 31 to 37 of the case diary, have stated that the injured was lying alone in an injured condition at the place of occurrence. Petitioners are in jail custody since 10.06.2015.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Daudnagar, District-Aurangabad, in connection with Haspura P.S. Case No.164 of 2013.

(Rajendra Kumar Mishra, J)

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