

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28142 of 2016

Arising Out of PS.Case No. -8 Year- 2015 Thana -PAUTHU District- AURANGABAD

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Ramanand Sharma S/o Muneshwar Sharma R/o vill. - Latta, P.S. Pauthu,
District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 11-07-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 504, 307/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 09.03.2015 at 6.30 A.M. the informant was sitting at his door along with his cousin Ravi Ranjan Sharma, all of a sudden co-accused Nand Kishore Sharma, Lalkeshwar Devi, Arati Devi and the petitioner Ramanand Sharma came and started abusing the informant. On protest being made, on the order of co-accused Arati Devi co-accused Nand Kishore Sharma fired causing injury on the abdomen of the informant when he fell down on the ground then

on the order of co-accused Lalkeshwar Devi the petitioner resorted to fire causing injury on the abdomen of Ravi Ranjan Sharma.

It is submitted by learned counsel for the petitioner that the petitioner is agnate of the informant and in the background of pending Partition Suit No. 499 of 2014 and 144 Cr.P.C. proceeding initiated between the parties the accusation has been levelled. During investigation it was found that only Nand Kishore Sharma resorted to fire which caused injury to the informant and his cousin Ravi Ranjan Sharma, hence, only Nand Kishore Sharma was charge-sheeted whereas petitioner was not sent up for trial but differing with the final form cognizance has been taken. The injury report of the informant reflects only one lacerated injury on the nose of marginal size caused by hard and blunt substance whereas Ravi Ranjan Sharma has received one firearm injury simple in nature. It is further submitted that during investigation it transpired that the firing was resorted by Nand Kishore Sharma.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the accusation has been levelled in the background of share dispute and on

conclusion of the investigation the petitioner was not sent up for trial, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Aurangabad in connection with Pauthu P.S. Case No. 08 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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