

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33140 of 2016

Arising Out of PS.Case No. -184 Year- 2010 Thana -KARPI District- JEHANABAD

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Jai Kishore Sharma son of Siya Ram Sharma resident of Village- Orbigha,
P.S.- Karpi (Vanshi O.P.), District- Arwal.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh

For the Opposite Party : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, in brief, is that on the instigation
of co-accused Siya Ram Sharma, accused Bittu Kumar caught
hold the deceased and thereafter co-accused Pramod Kumar
Sharma @ Sadhu Sharma opened fire on the temporal region of
the deceased. The petitioner is also said to have opened fire on the
left hand of the deceased.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 02.05.2016. The charge sheet has

been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. Altogether five persons are named in the First Information Report. As per the allegation, the petitioner is said to have fired upon the deceased, causing injury on the left arm of the deceased. The fatal injury is said to have caused by co-accused Pramod Kumar Sharma @ Sadhu Sharma on the head of the deceased. The injury attributed to the petitioner is on the non-vital part of the body.

On behalf of the state it has been submitted that the petitioner is named in the F.I.R. and there is a specific allegation of assault against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Karpi (Vanshi O.P.) P.S. Case No. 184 of 2010, pending in the court of learned Chief Judicial Magistrate, Jehanabad.

(Sudhir Singh, J.)

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