

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14157 of 2017

Arising Out of PS.Case No. -115 Year- 2016 Thana -NAYA RAM NAGAR District- MUNGER

- =====
1. KRISHNANANDAN SHARMA @ KRISHNANDAN SHARMA s/o
Late Kamdeo Sharma
 2. Murli Sharma, s/o Krishnanandan Sharma
- Both are r/v – Parham, P.s. – Naya Ram Nagar (Safiyasari O.P.), District -
Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 02-05-2017 Heard both sides.

The petitioners seek bail in Naya Ram Nagar P.S. Case
No. 115/2016, registered for the offences punishable under
Section 302 and other sections of the Indian Penal Code and
section 27 of the Arms Act.

The informant alleged that she was returning to her
house along with her son from the school when she reached near
the shop of Vijay Saw she saw Banshi Sharma, Murli Sharma
(petitioner no. 2), Krishnanandan Sharma (petitioner no. 1),
Sarojani Devi and Parwati Devi came out of their vehicle Sumo
Victa they caught her husband Vijay Kumar Sharma who was
playing card with Brahmdeo Choudhary, Parath Saw and Birju



Sharma. Banshi Sharma fired from pistol on the back of head of her husband who died on the spot. Thereafter, the accused persons fled away.

Learned counsel for the petitioners submits that the informant falsely implicated the petitioners and all their family members Sarojani Devi and Parwati Devi who are also alleged to have caught Vijay Kumar Sharma, but during the course of investigation, the story of catching the deceased by the petitioners has not been supported by the witnesses. The witnesses said that they came near the place of occurrence on hearing sound of firing and saw Banshi Sharma was having fire-arm in his hand. The petitioner no. 1 and 2 are in jail since 12.01.2017 and 02.01.2017 respectively.

Learned counsel for the informant and the learned A.P.P. opposed the prayer for bail of the petitioners and submitted that there is land dispute between the parties. The petitioners were running for the life of Vijay Kumar Sharma husband of the informant from before. The judgment and decree was passed in favour of Vijay Kumar Sharma, but even then the petitioners were claiming right over the land. From the records it appears that petitioners are alleged to have caught Vijay Kumar Sharma along with Sarojani Devi and Parwati Devi, but Banshi Sharma is said to



have fired causing death of Vijay Kumar Sharma. The witnesses who were in the vicinity of the place of occurrence stated that Vijay Kumar Sharma was also playing card, but in the meantime, they heard sound of firing and Banshi Sharma was having fire-arm in his hand.

Considering the facts aforesaid and the fact that of course, the petitioners are alleged to have caught Vijay Kumar Sharma and Banshi Sharma fired, but this story has not been corroborated by the witnesses and the petitioners are not assailants of the deceased, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate Ist, Munger in connection with Naya Ram Nagar P.S. Case No. 115/2016.

(Prabhat Kumar Jha, J.)

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