

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25368 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -BARIYARPUR District- MUNGER

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Bhuneshwar Sharma, son of Late Chhotelal Mistri, Resident of Village-
Bahadurpur, Police Station- Bariyarpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Smt. Nirmala Kumari

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**
ORAL ORDER

2 06-06-2017 Heard Shri Sanjay Kumar, learned advocate for the
petitioner and learned APP for the State.

The petitioner is seeking regular bail in connection
with Bariyapur P.S. Case No. 04 of 2017 registered for the
offence alleged under sections 302 and 307/34 IPC read with
section 27 of the Arms Act.

The allegations as contained in the fardbeyan of one
Devendra Prasad Sharma would show that while he was watching
T.V. along with his wife, three accused persons named in the FIR
entered in his house. It is alleged that Kundan Kumar and Shanti
Devi got identified the wife and daughter of the informant upon
which two unknown persons lashed with pistol fired on them. It is
further alleged that in the said firing the wife of the informant



died. In the FIR itself it is alleged that a land dispute is going on with the family of Kundan Kumar and the present petitioner and, therefore, they conspired and committed the offence taking help of the unknown persons.

The learned counsel for the petitioner would submit that so far as the petitioner is concerned, save and except that there is an allegation of his presence on the place of occurrence, no other allegation is there either of identifying or committing any act or omission causing the firing leading to death of the wife of the informant. He would further say that the petitioner has got absolutely clean antecedent and he is a retired Loko Railway Pilot. After retirement, he is living with his family. As regards the land dispute, he further submits that the Sub-Divisional Magistrate, Munger had decided the dispute between the parties in favour of the present petitioner and, therefore, there was no occasion for the petitioner to be involved in such occurrence. The petitioner is in custody since 06.1.2017 and the investigation is over.

The learned APP opposed the prayer for bail but in view of the fact that informant has clearly stated in the FIR alleging specific overt act to other accused persons, he could not place any significant material to oppose the prayer for bail.

Considering the fact that there is no specific



allegation against the petitioner, he is a retired person and has got clean antecedent as stated in paragraph-3 as also that the investigation is over, let the petitioner, namely, Bhuneshwar Sharma be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of SDJM, Munger in connection with Bariyarpur P.S. Case No. 04 of 2017.

(Rajeev Ranjan Prasad, J)

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