

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25112 of 2017

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

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1. Banshi Sharma @ Bansidhar Krishna Son of Shree Krishnandan Sharma,
resident of Village- Parham, Police Station- Naya Ram Nagar (Safiasarai
O.P.), District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-06-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 302 of the
Indian Penal Code and Section 27 of the Arms Act.

According of FIR, the petitioner, allegedly,
committed firearm injury and murder of Vijay Kumar Sharma, the
husband of the informant for land dispute. The informant claims to
be a witness of the occurrence and she further discloses that at the
time of occurrence, other persons were also present there.

Submission of the leaned counsel for the
petitioner is that in fact the informant is not an eye-witness of the
occurrence and just to take revenge from her enemies including
the petitioner, she lodged the present false case. The deceased had



deposed before the Court against the informant of this case in the year 2008 that the informant is maintaining illicit relation with some other person and he has already married with another lady. The second wife of the deceased has raised suspicion before the police that the informant is involved in the murder of her husband. In the circumstances, the informant has also been arrayed as an accused in this case during investigation.

Learned counsel for the informant submits that at this stage statement of the eye-witness cannot be disbelieved.

However, it is evident from the case diary that except the informant no one has supported that the petitioner fired causing death of Late Vijay Kumar Sharma.

Considering the entire facts and circumstances above, especially, the statement of the second wife and the development during investigation, there is no reason to detain the petitioner as under trial prisoner in this case, hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Munger/successor Court in connection with Naya Ram Nagar Police Station Case No. 115 of 2016, subject to the condition that the petitioner shall fully cooperate with the trial



of the case, failing which the court below shall be at liberty to
cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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