

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50521 of 2016

Arising Out of PS.Case No. -124 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

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Manish Sharma, S/o Rajendra Sharma @ Bhola Sharma, Resident of
Village- Sri Krishna Nagar, P.S.- Town Aurangabad, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pushpendra Priyedarshi, Advocate
Mr. Shiva Shankar Prasad Singh, Advocate
For the Opposite Party : Mr. Anant Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted for the
offence under Sections 302/120(B) of the Indian Penal Code and
Section 27 of Arms Act.

It is alleged in the written report that the informant
saw near Sheo Mandir that Manoj Sharma was catching hold his
son Sanjay Sharma and Manish Sharma. The petitioner fired shot
on him with pistol then informant raised hullah. The neighbour
along with his daughter-in-law and grand daughter arrived and
saw the occurrence. Thereafter both the accused persons fled away
making firing on the son of the informant, namely, Sanjay Sharma.



The son of the informant was crying that Manish Sharma has caused firearm injury to him on account of old enmity. The people took him to Sadar Hospital, Aurangabad from where he was taken to Magadh Hospital, Gaya, but he died in the way. It is further alleged that Sanjay was conscious after sustaining firearm injury and he was crying and speaking that Manoj had pushed him down and Manish had fired gun shot on him.

The learned A.P.P and counsel for the informant after looking into the case diary pointed out that informant in restatement in para-18 of the case diary and other witnesses in paras-26,37,38,61,77,117,119, have levelled specific allegation against this petitioner of causing gun shot injury to son of the informant on account of which he died. In para-149 of the case diary, the police has mentioned about postmortem report wherein doctor has found four wounds of entry and two wounds of exit caused by firearm and cause of death has been opined due to firearm injury.

After investigation police has submitted charge sheet against this petitioner and other accused Manoj Sharma for the offence under Section 302/34 of the IPC which is mentioned at para-197 of the case diary. In this manner, petitioner is alleged to be main assailant who caused gun shot injury, which gets support



from the statement of witnesses and post mortem report as mentioned in the case diary. Therefore, this court does not find it fit case for grant of regular bail.

Accordingly, this bail petition is hereby rejected in Aurangabad (Town) P.S. Case No. 124 of 2016, pending in the court of learned Chief Judicial Magistrate, Aurangabad.

(Sanjay Priya, J.)

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