

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10523 of 2017

Arising Out of PS.Case No. -30 Year- 2009 Thana -NAUBATPUR District- PATNA

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Nawal Kishore Sharma @ Nawal Singh, Son of Late Ram Sagar Singh,
Resident of village - Ibrahimpur, Police Station - Naubatpur, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 01-05-2017 Heard both sides.

The petitioner apprehends his arrest in Naubatpur P.S. Case No. 30/2009, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

The informant Subodh Kumar brother of the injured named the petitioner along with other accused persons and alleged that Nagendra Singh, Nawal Singh (petitioner), Dhananjay Tiwary @ Bhallu and Premjit Kumar made indiscriminate firing on his brother. His brother having received fire-arm injury fell down on the ground, thereafter, the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and during the course of investigation none



of the witness has supported the prosecution case. In para 47 of the case-diary one Satish Kumar who was in the vicinity of the place of occurrence, disclosed that on enquiry the injured Anil Singh named Nawal Singh the petitioner on account of previous enmity. It is submitted that the police after investigation submitted final form finding the case false against the petitioner, but the learned court below took cognizance in the year 2013. The petitioner deserves anticipatory bail, but from perusal of the F.I.R. and the case diary, it appears that brother of the injured is an eye-witness of the occurrence and he made specific allegation that the petitioner and other accused persons made indiscriminate firing on the brother of the informant who got injured. The injured was sent to P.M.C.H. for treatment.

It appears that the Investigating Officer did not take statement of the injured who is the best witness of the occurrence till the submission of the charge-sheet. Many fire-arm injuries were found on the person of the injured and there is specific allegation that the petitioner also fired.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four



weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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