

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42317 of 2017

Arising Out of PS.Case No. -210 Year- 2014 Thana -KAKO District- JEHANABAD

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1. Sunil Sharma, Son of Ram Dahin Singh,
 2. Ram Ekbal Sharma @ Ram Akbal Sharma, Son of Late Ramashray Singh, null
 3. Prince Kumar, Son of Ram Ekbal Sharma,
 4. Tuntun Sharma @ Ujjawal Kumar, Son of Jailesh Sharma,
 5. Ramdhyan Sharma, Son of Late Demun Singh,
 6. Sadhu Sharan Sharma, Son of Late Makeshwar Singh,
 7. Tutu Kumar, Son of Sadhu Sharan Sharma, All are resident of Village- Mahamatpur, P.S.- Kako, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Kako P.S. Case No. 210 of 2014 registered under Sections
147, 148, 149, 436, 427 and 302 of the Indian Penal Code.

The accusation is that ten persons named in the
F.I.R. including the petitioners and ten unknown having armed
with pistol and rifle came at the door of the informant and
started indiscriminate firing. At that time, on the order of
Ramdhyan Sharma (petitioner no.5), his son Chandan Kumar



shot fire through pistol at the chest of Suresh Singh, father of the informant, who was sleeping at Dalan. Thereafter, father of the informant rushed to Sadar Hospital, Hospital, where he died.

Learned counsel for the petitioner submits that while the petitioners are named in the F.I.R. but the specific overt act has been attributed against only Chandan Kumar, who shot fire at the father of the informant. On investigation, the police submitted the final firm against the petitioners but the learned Chief Judicial Magistrate, Jehanabad, took cognizance under Sections 147, 148, 149, 436, 427 and 302 of the Indian Penal Code differing with the final form as submitted by the Investigating Officer. Further submission is that while firearm entry wound was found on the person of the deceased but the Doctor opined about the death of the deceased due to cold and shock and the injury seems to be after death

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Jehanabad, in connection with Kako P.S.



Case No. 210 of 2014, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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