

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39985 of 2018

Arising Out of PS. Case No.-59 Year-2018 Thana- PASRAHA District- Khagaria

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1. Rajiv Kumar Sharma, Son of Singho Sharma,
 2. Ratan Kumar Sharma, Son of Ramchandra Sharma, Both resident of Village- Kharaua, P.S.- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 341, 307, 504 of the I.P.C. as well as Sections 25(1-b)a/26/27/35 of the Arms Act and 37(b) of the Bihar Prohibition and Excise Act, 2016.

Allegation is that the accused persons including the petitioners abused the informant and petitioner Rajiv Sharma fired upon the informant with rifle but firing could not touch the body of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the



present case due to previous enmity. Though there is allegation of firing against the petitioners but none is said to have been injured in course of occurrence. Hence no offence under Section 307 of the I.P.C. is made out. There is no recovery of any fire arms from the possession of the petitioners nor there is any allegation against the petitioners to have committed any offence under the Bihar Prohibition and Excise Act, 2016.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge, Excise, Khagaria in connection with Pasraha P.S. case No.59 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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