

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37215 of 2018

Arising Out of PS.Case No. -451 Year- 2017 Thana -KOTWALI District- MUNGER

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Pintu Sharma, S/o Mohan Sharma @ Mohan Vishwakarma, R/o Shadipur,
Naya Tola, P.S.- Kotwali, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarkeshwar Pd. Verma, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, in the present case, is seeking regular bail in connection with Sessions Trial No.128 of 2018, arising out of Kotwali P.S. Case No.451 of 2017, registered for offences alleged under Sections 302, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner points out from the FIR (Annexure-1) in which the petitioner is an accused that the specific allegation of firing is against the co-accused Sukhdeo Vishwakarma. It is submitted that the fire arm injury caused by said co-accused Sukhdeo Vishwakarma ultimately proved fatal and caused death of Subodh Yadav. Even the informant allegedly got head injury through said Sukhdeo Vishwakarma. So far as the



allegation against the petitioner is concerned, there is a general allegation against the co-accused Pushpa Kumari, Durga Devi, the third daughter of Sukhdeo Vishwakarma and this petitioner being son-in-law of Sukhdeo Vishwakarma, they had given lathi blow to the informant because of which he became unconscious. However, it is submitted that no such injury of lathi blow could be found on the body of the informant. Learned counsel submits that similarly situated co-accused Pushpa Kumari, Durga Devi and Maya Kumari have been granted anticipatory bail by this court in Cr. Misc. No. 16514 of 2018. The petitioner is in custody since 17.12.2017. Learned counsel also submits on the strength of Annexure-2 that another FIR was lodged by the co-accused Pushpa Kumari against the informant of the present case on the same day wherein she has given a different version of entire manner of occurrence and the dispute is said to be arising out of a land dispute between the parties.

Learned APP for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the case whereunder there is no allegation of firing against the petitioner and the co-accused similarly situated have been granted the privilege of anticipatory bail by this Court as also that the parties seem to be fighting over a land dispute, let the petitioner, above



named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Munger in connection with Sessions Trial No.128 of 2018, arising out of Kotwali P.S. Case No.451 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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