

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25997 of 2019

Arising Out of PS. Case No.-124 Year-2013 Thana- BRAHMPURA District- Muzaffarpur

PUSHKAR SHARMA Son of Ajay Kumar Sharma @ Ajay Sharma Resident of Village- Parsauni Pagahiya, Police Station- Kathaiya, District- Muzaffarpur, at present Mohalla- Sanjay Cinema Road, P.S.- Brahmpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Brahampura P.S. Case No. 124 of 2013, for offences punishable under Sections 342, 323, 504, 506, 307, 302, 452, 384/34 of the Indian Penal Code read with Section 27 of the Arms Act.

The prosecution case as lodged by the informant is that he owns a Kabari shop and while he was in his shop along with his staff Vinay Kumar Mishra, 11 named accused persons and 8-10 unknown persons came armed with pistol and demanded Rangdari of 10 lacs. On objection accused Chandan Kumar Bhagat and Pawan Bhagat fired indiscriminatory which



hit the informant and his staff Vinay Kumar Mishra who succumbed to the injury. The informant saved himself by cross firing on the accused persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and his name surfaced only during investigation. He submits that he is a B. Tech. student of Jaipur National University and was studying in the engineering in the said University and was not present at the place of occurrence. He further submits that co-accused who have been named in the F.I.R. have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 48993 of 2013 dated 04.03.2014 and Cr. Misc. No. 3650 of 2014 dated 02.04.2014. It is further submitted that the petitioner has a bright career which will be totally jeopardized and is languishing in judicial custody since 07.01.2019. Charge-sheet has already been submitted, there being no allegation of tampering with the prosecution evidence or witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him.

Considering the nature of allegations and the materials on record as well as the fact that other co-accused



have been granted the privilege of bail and there being no specific or direct allegation against the petitioner, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura P.S. Case No. 124 of 2013, subject to the condition that one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

devendra/priyanka

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