

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45992 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- ALIPUR District- Gaya

1. VISHWANATH SHARMA @ VISHWANATH KUMAR S/o Jairam Sharma
R/o village- Kutalupur, P.S.- Alipur, District- Gaya
2. Arpan Sharma @ Arpan Kumar @ Abhishek Sharma @ Abhishek Kumar
S/o Late Raj Bharat Sharma R/o village- Kutalupur, P.S.- Alipur, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar
For the Opposite Party/s	:	Mr.Akshay Lal Pandit, APP
For the informant	:	Mr. Ranjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-07-2019 Heard both sides.

The petitioners apprehend their arrest in Alipur P.S.
case No. 23 o 2019 registered under Section 147, 341, 323, 379,
504, 308, 506 of the IPC.

The informant, Haridwar Sharma, named Arpan
Sharma @ Abhishek Sharma, Bishwanath Sharma, the
petitioners, Slok Sharma, Haripan Sharma, Jitendra Sharma,
Udresh Sharma and Madheshwar Sharma and alleged that
petitioners were came with fire arm and other accused persons
were armed with Lathi. The firing made by the petitioners did
not hit anybody. Other accused persons assaulted the informant
and snatched ornaments and other articles from the possession



of Malti Devi, wife of informant.

The learned counsel for the petitioners submits that entire family members have been implicated in the case. Both the petitioners are armed with gun but no gunshot injury was found on the person of informant. The informant received lacerated wound and swelling on his person. The persons, namely, Slok Sharma, Jitendra Sharma, Haripan Sharma, Udresh Sharma and Madheshwar Sharma, who are alleged to have assaulted the informant with Lathi, have already been granted anticipatory bail vide order dated 15.06.2019 passed in ABP No. 124 of 2019. Even the FIR has not been registered under any Sections of the Arms Act. The petitioners are not alleged to have even touched the body of informant.

On the other hand the learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail and submitted that informant got grievous injuries on account of lacerated wound found on his head. Other witnesses have also supported the factum of occurrence.

It appears from perusal of the FIR itself that the petitioners are alleged to have armed with gun and they fired but the shot misfired. The petitioners are not alleged to have assaulted anybody including the informant. The persons who are



alleged to have assaulted the informant have already been granted anticipatory bail.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya, in connection with Alipur P.S. case No. 23 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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