

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56526 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- BHAGWANGANJ District- Patna

SHAMBHU SHARMA, Son of Siyaram Sharma @ SIYARAM SINGH
Resident of Village - Shriwanichak, P.S.- Bhagwanganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr.Lakshmi Kant Sharma
For the Opposite Party/s :		Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-09-2019 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bhagwanganj Police Station Case No. 55 of 2019, disclosing offences under Sections 323/341/307/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that on 19.05.2019, the petitioner, along with other accused persons, arrived at the house of the informant, having pistols and guns in their hands, and started indiscriminate firing, with an intention to kill the informant and others, and due to the firing done by the accused persons, one villager, namely, Radhamani Devi, received bullet injury and



there is sign of firing on the outer wall of the house of the informant.

Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case due to scuffle between the informant and the petitioner on the point of casting votes on the date of occurrence, i.e. on 19.05.2019, and it was the side of the informant, who was aggressor and they fired upon the petitioner and his son, Shaswat Kumar, and the petitioner received gun shot injury and was having treatment at Patna Medical College and Hospital, which would be evident from Annexure-3 to this application. He further submits that the petitioner has also lodged a case, bearing Bhagwanganj Police Station Case No. 50 of 2019 against the informant and others for the incident alleged to have taken place on 19.05.2019. He further submits that the present First Information Report has been lodged by the informant on 12.06.2019, i.e. after a delay of 23 days, for the occurrence which had taken place on 19.05.2019, in order to create defence in his favour. He further submits that co-accused Shaswat Kumar, son of the petitioner, has been allowed anticipatory bail by order, dated 11.09.2019, passed in Criminal Misc. No. 56293 of 2019.



After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has received bullet injury in an incident which had taken place on 19.05.2019, in which the informant of this case is one of the accused and the First Information Report lodged by the petitioner is prior in time; whereas the First Information Report lodged by the informant is subsequent in time, after a lapse of 23 days, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Shambhu Sharma, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Masaurhi, in connection with Bhagwanganj Police Station Case No. 55 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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