

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67236 of 2019

Arising Out of PS. Case No.-521 Year-2018 Thana- SAHARSA District- Saharsa

1. SONU SHARMA S/o Prabhu Sharma R/o village- Bherdhari, P.S. and District- Saharsa
2. Bittu Sharma S/o Pulendra Sharama (Pulendra Sharma) R/o village- Bherdhari, P.S. and District- Saharsa
3. Mukesh Sharma S/o Upendra Sharma R/o village- Bherdhari, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma, Advocate
For the State : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-12-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Saharsa Sadar P.S. Case No. 521 of 2018 registered for the offence punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons having fired upon the informant, however, no firearm injury is stated to have been received by the informant, but instead, the firearm injury is said to have been inflicted upon one another person, who has in fact not disclosed about the complicity of the petitioners.



The learned counsel for the petitioners submits that it is apparent from the case diary that there is no complicity of the petitioners in the alleged crime. It is submitted that the petitioner no. 3 is an accused in one other case, but he is on bail in the said case and as far as the petitioner nos. 1 and 2 are concerned, they are having a clean antecedent.

Per contra, Mr. Ashok Kumar, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection with Saharsa Sadar P.S. Case No. 521 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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