

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82487 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- MADANPUR District- Aurangabad

Sami Kant Sharma S/O Manoj Sharma, R/O Village - Banokhar, P.S.-
Madanpur, District- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bachan Jee Ojha, Advocate Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s :		Mr.Dr.Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Madanpur P.S. Case No. 175 of 2019 registered for the offences punishable under Sections 307, 302, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that there is a case and counter case. In the present case the allegation is that one Manoj Sharma had come on the motorcycle with this petitioner and said Manoj Sharma who happened to be the father of this petitioner had fired from country made pistol killing the uncle of the informant. When Mantu Yadav who is related to the informant tried to save the uncle of the informant, the co-



accused Shashi Kant Sharma fired from his country made pistol that hit the said Mantu Yadav and Mantu Yadav also fell down. The allegation against this petitioner is that thereafter he fled away with the motorcycle.

Learned counsel for the petitioner further submits that from the fardbeyan of Shashi Kant Sharma giving rise to Madanpur P.S. Case No. 176 of 2019 it would appear that as regards the alleged occurrence which took place on 11.08.2019 a different version of the story has been given. Said Shashi Kant Sharma has alleged that when he was returning after easing out at about 7.30 A.M. in the morning he found that his land is being cultivated by Sudhir Yadav and 8 other persons named therein and they were being told by his father Manoj Sharma not to do the cultivation whereupon Sudhir Yadav and Mritunjay Yadav assaulted Manoj Sharma and on the order of Kapil Yadav one Arunjay Yadav fired from his country made pistol on Manoj Sharma and thereafter Mantu Yadav also assaulted with Khanti, lathi, danda thereafter Arunjay Yadav had again fired upon Manoj Sharma which hit on his head and he fell down. The informant Shashi Kant Sharma was also brutally assaulted but was somehow saved. He made this statement in the hospital where he was being treated.



Learned counsel submits that it would be evident from a reading of the two F.I.Rs. that so far as this petitioner is concerned he has been falsely implicated even though no overt act of assault in any way has been alleged against this petitioner.

Learned A.P.P. for the State has opposed this application for grant of regular bail.

Considering the facts and circumstances of the case, wherein the submission of learned counsel for the petitioner is that in the F.I.R. itself no overt act has been alleged against this petitioner and the counter version which has been recorded by Shashi Kant Sharma and in which Manoj Sharma one of the assailant of this case has been killed also does not disclose any participation of this petitioner and the petitioner is aged about 22 years only and it has been the consistent view to grant regular bail to the persons who are alleged to be a member of mob but no overt act has been alleged against him as also that petitioner is in custody since 26.10.2019 and it is not the submission of the State that if the petitioner is released on bail there is any chance of his absconding or tampering with the prosecution evidence, let the petitioner above named be released on bail on completion of investigation in connection with Madanpur P.S. Case No. 175 of 2019 on furnishing of bail



bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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