

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12667 of 2020**

Arising Out of PS. Case No.-776 Year-2019 Thana- BUXAR District- Buxar

Vishnu Kumar Sharma @ Vishnu Vishwakarma, Son of Umesh Sharma @
Umesh Chandra Sharma Resident of - Tadika P.P. Road, P.S.- Buxar (Town),
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate
For the Opposite Party/s : Mr.Uma Shankar Pd. Singh, APP
For the Informant : Mr. Arun Kumar Gupta, Advocate

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Ajit Kumar, learned counsel for the petitioner, Mr. Uma Shankar Prasad Singh, learned APP for the State and Mr. Arun Kumar Gupta, learned counsel for the informant.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case, as per the fardbeyan of Amanraj Gupta recorded by S.I., Prahalad Kumar Pathak of Town P.S., Buxar on 09.11.2019 at 6.00 P.M., is to the effect that on 08.11.2019 at 7.00 P.M. while the informant was near Museum situated beside M.P. High School, Buxar when one Farhan Faridi fired upon the informant which caused injury on the left shoulder of the informant. It is further submitted that Vishnu Vishwakarma, the petitioner and co-accused Sagar Kumar Gupta and Ganesh Gupta were also accompanying the shooter Farhan Faridi in the alleged occurrence.

It is submitted by learned counsel for the petitioner that there is no accusation of firing against the petitioner. The shooter co-accused Farhan Faridi and co-accused Sagar Kumar Gupta have been granted by Co-ordinate bench of this Court vide Cr. Misc. Nos. 11429 of 2020 and 8902 of 2020. The petitioner is languishing in custody since 15.11.2019 and investigation has already been concluded. The petitioner is accused in one another case.

Learned APP appearing for the State submits that the petitioner was accompanying the shooter and he is also accused in one another case. Similar is the submission of learned counsel for the informant.



Considering the fact that the accusation of firing is not against the petitioner rather on the co-accused Farhan Faridi, who has already been granted bail by a Co-ordinate bench of this Court and investigation being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 776 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar



(Town) P.S. Case No. 776 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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