

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12287 of 2020

Arising Out of PS. Case No.-75 Year-2005 Thana- NAYAGAON District- Begusarai

Nagendra Sharma S/o Late Ajab Lal Sharma R/o village- Akbarpur Chalish,
P.S.- Nayagaon (Samho), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-07-2020 Heard learned counsel for the petitioner and learned counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Nayagaon (Samho) P.S. Case no. 75 of 2005 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, It is stated by the informant that in the light of lantern she saw the five named accused persons including the petitioner herein came variously armed. It is further stated that the petitioner and others caught hold of the brother-in-law of the informant while Surendra Sharma shot him in his chest.

It is submitted by learned counsel for the petitioner that so far as the allegation in the FIR is concerned, the allegation is specifically against Surendra Sharma of having shot the brother-in-law of the informant. The petitioner has been falsely implicated in the case only for the reason that he happens to be the brother-in-law of Surendra Sharma. He had been



living in Delhi to earn his livelihood and not having knowledge about the case, could not approach the Court earlier. The petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties, it transpires from the FIR that not only the petitioner was present at the spot but also played a role in catching hold of the brother-in-law of the informant. Further the Court is not satisfied with the explanation of delay in moving the Court for anticipatory bail in a case registered in November 2005.

The Court finds no merit in the application and the same stands rejected.

(Partha Sarthy, J)

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