

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18503 of 2020

Arising Out of PS. Case No.-193 Year-2019 Thana- BIHRA District- Saharsa

1. Jyotish Kumar Sharma @ Jyotish Sharma @ Jyotish Kumar, Male, aged about 28 years, S/o Sri Sanjay Mistri @ Sanjay Sharma
2. Sanjay Mistri @ Sanjay Sharma, Male, aged about 55 years, S/o Mahadeo Mistri, both resident of Village- Patori, P.S.- Bihra, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 12-10-2020 Heard the parties through the virtual court proceeding.

The petitioners seek bail in connection with Bihra P.S.

Case No. 193 of 2019 registered for the offences punishable under Sections 307, 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per written report of informant- Laxmi Bhagat, in brief, is that on 05.11.2019 at about 4:00 P.M., he was taking tea at the shop of Sachindra. His son Vinod Kumar Chaurasia along with his Sala, Dr. Nilesh on his car bearing Registration No.BR-1AH-6896 came at the shop of Golu for the purpose of refilling air. The shop was closed. Thereafter, they were returning home. Near Patori- Bazar, his



son was surrounded by three motorcycle borne culprit Manoj Pandey @ Manoranjan Pandey ordered to shoot him. Manoj Pandey @ Manoranjan Pandey, Nitish Kumar Sharma, Sanjay Kumar Singh, Raishav Gupta, Vimtar Singh altogether eight persons and 5-6 others, having fire arms in their hands, with intentions to kill, fired upon Vinod Kumar Chaurasia at different parts. His Sala Dr. Nilesh also sustained bullet injury on hand. Further case is that on a hulla as upon the sound of firing the informant, his son Amod Kumar and others came to save them. The accused persons were talking that Vinod Kumar Chaurasia had been killed which fact the informant heard himself along with others who accompanied him and during chasing the fire arm touched the hand of Jitendra Mahto. Accused Manoj Pandey @ Manoranjan Pandey and Nisha Pandey fled away on a motorcycle towards east after giving threatenings that remaining 4-5 persons of Pramukh would be killed. The informant also alleged that earlier Manoj Pandey @ Manoranjan Pandey and Nisha Pandey had threatened his deceased son.

Learned counsel for the petitioners submits that the petitioners are innocent, have committed no offence and have falsely been implicated in the present case due to village politics. He further submits that no specific overt act has been



attributed against these petitioners. He further submits that the petitioners are in jail custody since 08.11.2019 and 13.01.2020 respectively. He further submits that the petitioners have got no criminal antecedent.

Perused the case record including the case diary. Both the petitioners are named in the F.I.R. It appears that there were seven empty cartridges recovered at the place of occurrence and the witnesses have supported the case of the prosecution in paragraph nos.9, 9, 10 and 11 of the case diary. As per an inquest report in column no.5, there were several holes on the parts of deceased by fire arms.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioners on bail. Accordingly, the prayer for bail of the above named petitioners in connection with Bihra P.S. Case No.193 of 2019 pending in the court of learned Chief Judicial Magistrate, Saharsa is hereby rejected.

(Anjani Kumar Sharan, J)

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