

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37650 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- NAUBATPUR District- Patna

1. DHARMENDRA SHARMA @ DHARMENDRA KUMAR SON OF RAM MURTI SHARMA Resident of Village- Badipur, PO- Chiraura, Police Station- Naubatpur, District- Patna.
2. Ram Murti Sharma Son of Late Ram Bilash Sharma Resident of Village- Badipur, P.O.- Chiraura, Police Station- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Section 307/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that on the date of alleged night at 3.00 p.m., having heard the sound of Khat-Khat, the informant went to his gate and saw the accused persons standing at his gate. It is further alleged that on the order of accused Ram



Murti Sharma, accused Dharmendra Sharma with intention to kill, fired two shots from his pistol aiming to the informant but anyhow, he escaped.

It has been submitted on behalf of the petitioners that the petitioner No. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. So far petitioner No. 2 is concerned, he is said to be order giver. The allegation of firing is against petitioner No. 1 but none is said to have injured in course of the occurrence. No offence u/S 307 of the Indian Penal Code is made out. Due to previous enmity, the present case has been instituted.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur, Patna in connection with Naubatpur P.S. Case No. 82 of 2021 subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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