

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40377 of 2021

Arising Out of PS. Case No.-56 Year-2019 Thana- UPHARA District- Aurangabad

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1. VISHNU KANT SHARMA S/O RAM NARYAN SHARMA R/O VILLAGE-EDARI, P.S-UPHARA, DISTRICT-AURANGABAD (BIHAR).
 2. RAGHVENDRA SHARMA S/O RAM NARYAN SHARMA R/O VILLAGE-EDARI, P.S-UPHARA, DISTRICT-AURANGABAD (BIHAR).
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar, Sr. Adv.
For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 26-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 307/34 of the Indian Penal code and Section 27 of the Arms Act.

Prosecution story is that on the alleged date and time, Ram Narain Sharma and Raghvendra Sharma caught hold the son of the informant, Venkatesh Sharma and thereafter Vishnukant Sharma and Gopal Sharma fired upon with a intention to kill Venkatesh Sharma.

Learned counsel for the petitioners submits that there is land dispute between the parties.

From perusal of the case diary, it appears that there is five injuries sustained on the person injured, i.e., Venkatesh Sharma.

In the facts and circumstances of the case and the fact that there is allegation of firing against the petitioner No.1 on the victim, therefore, petitioner No.1, Vishnu Kant Sharma is not entitled for privilege of anticipatory bail and hence in the aspect of Raghvendra Sharma, he is only entitled for privilege of anticipatory bail. Therefore, the prayer for anticipatory bail as against petitioner No.1 is hereby reject.

So far bail of petitioner No.2, Raghvendra Sharma, is concerned, it is allowed and in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned SDJM, Daudnagar, in connection with Uphara P.S. Case No.56 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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(Sunil Kumar Panwar, J)