

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11112 of 2022

Arising Out of PS. Case No.-91 Year-2015 Thana- PASRAHA District- Khagaria

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Pankaj Sharma S/o Dhalo Sharma R/o village- Tehai, P.S.- Pasraha, District-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Viveka Nand Singh, Advocate
	:	Mr. Hira Jha, Advocate
For the State	:	Mr. Naveen Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Pasraha P.S. Case No.91 of 2015 registered for the offence
under Sections 341, 448, 449, 302, 120B, 506 and 34 of
Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and
is in custody since 08.11.2017.

The allegation against the petitioner is to commit
murder of brother of the informant, alongwith other co-



accused persons, by causing fire arm injury, due to previous enmity.

Learned counsel appearing on behalf of the petitioner submitted that allegation of firing is upon two accused persons, causing two fire arm injuries, but upon post mortem, it appears that atleast four fire arm injuries were made upon the deceased, creating a doubt over entire implication, being an eye witness of the occurrence. It is submitted that petitioner is in custody for more than five years and in last five years only five chargesheeted witnesses have been examined out of eight and, as such, there is no chance to conclude the trial in near future and, as such, the petitioner cannot be kept behind the bars for indefinite period of time.

Learned APP appearing on behalf of the State, while opposing the prayer of bail submitted that there is specific allegation to cause fatal fire arm injury against this petitioner, as per F.I.R. It is further submitted that from perusal of report of learned Trial Court dated 22.06.2022, it appears that only five witnesses were examined out of eight.

In view of the facts and circumstances, as mentioned above, petitioner is in custody since 08.11.2017,



let the petitioner, above named, is directed to be released on bail in connection with Pasraha P.S. Case No.91 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Khagaria/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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