

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34277 of 2021

Arising Out of PS. Case No.-314 Year-2020 Thana- SAHPUR District- Patna

SHAMBHU RAI @ SHAMBHU GOP Son of Govardhan Rai Resident of
Harshamchak, P.S.- Akilpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyank Deepak, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-01-2022 Heard Mr. Priyank Deepak, learned counsel for the

petitioner and Mr. Umanath Mishra, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Shahpur PS Case No. 314/2020 registered for the offence
punishable under Sections 147, 148, 149, 307, 302 of the IPC
and Section 27 of the Arms Act.

The allegation, as per First Information Report, is that
the petitioner along with other accused persons and also four to
five unknown persons arrived at the house of informant and
started indiscriminate firing due to which elder brother of the
informant, namely, Jitendra Sharma died on the spot. It is further
alleged that younger brother of the informant, namely, Santosh
Kumar Sharma was also shot at but the bullet crossed touching
his ear.



Learned counsel for the petitioner submits that from perusal of the FIR, it would be evident that seven named accused persons arrived at the house of informant armed with guns whereas no fire arm has been shown in the hands of the petitioner. He further submits that the allegation of indiscriminate firing is upon altogether eight named accused persons and four to five unknown persons whereas only two fire arm injuries have been found on the persons of the deceased. Learned counsel further submits that co-accused, Sheojee Sharma who was, allegedly, holding gun in his hands, has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 19602/2021 and there is no specific allegation of firing upon the petitioner.

Learned counsel next submits that a counter case has also been lodged from the side of defence bearing Shahpur PS Case No. 315/2020 and one person was also killed from the side of defence and one received injury. Learned counsel further submits both the parties are agnates and there is case and counter case between them.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused, Sheojee Sharma, who was,



allegedly, holding gun in his hands, has been granted bail by a Co-ordinate Bench of this Court and there is no allegation of holding any fire arm by the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SHAMBHU RAI @ SHAMBHU GOP be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Danapur in connection with Shahpur PS Case No. 314 of 2020, subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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