

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21841 of 2022

Arising Out of PS. Case No.-652 Year-2021 Thana- TEKARI District- Gaya

GIRJESH SHARMA @ GIRJESH KUMAR SINGH Son of Late Bhanu
Singh, Resident of Village - Pura, P.S.- Tekari, Distt.- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr.Lakshmi Kant Sharma, Advocate
For the Opposite Party/s :		Mr.Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as the informant.

The petitioner seeks regular bail in connection with
Tekari P.S. Case No. 652 of 2021 lodged under Sections 302,
307, 120(B)/34 of the Indian Penal Code read with Section 27 of
the Arms Act.

The prosecution case is that the informant was sitting
in her house, at about 4.30 p.m. the petitioner and his son
entered in the house of the informant and started abusing. The
specific allegation against the petitioner is that with intention to
kill, he assaulted with wooden flank on the head of the
informant. Further direct allegation is upon the son of the
petitioner, namely, Sanjeev Kumar, who fired on the daughter-

in-law of informant Anju Devi by his pistol due to which, she died. Petitioner fired upon Palajee Sharma but it did not hit him.

Learned counsel for the petitioner submits that informant and accused persons belong to same common ancestor. He further submits that petitioner is aged about 73 years and there is specific allegation against the petitioner to assault on the head of the informant but injury is simple in nature. In this regard, he has categorically stated in para-15 of his petition. He further submits that allegation of gun shot fire is upon the petitioner's son and not upon the petitioner. He further petitioner is in custody since 13.12.2021 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail as well as learned counsel for the informant has vehemently opposes the prayer for bail and submits that case diary be called for to verify that whether injury is simple or not. He accept that allegation of killing is upon the son of the petitioner.

In the present facts and circumstances and the submissions made above and also considering the old age of the petitioner, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of

learned Judicial Magistrate Ist Class, Gaya in connection with
Tekari P.S. Case No. 652 of 2021, subject to the conditions as
laid down under Section 437(3) of Cr.P.C.

The prosecution/informant is at liberty to move for
cancellation of bail, if statement made by the counsel for
petitioner in paragraph-15 about the injury of the informant
shall not be simple and is being grievous.

The petitioner is directed to support in the trial.

With this observations, the bail application is allowed.

(Dr. Anshuman, J.)

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