

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37870 of 2022

Arising Out of PS. Case No.-366 Year-2019 Thana- MURLIGANJ District- Madhepura

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Mukesh Sharma @ Mukesh Kumar Son of Parmeshwari Mistry @
Permishwar Mistry @ Permishwaer Sharma Resident of village- Patuaha,
Ward No. 3, Saharsa (Sadar), Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Murliganj P.S. Case No. 366 of 2019 lodged under Sections
307/34 of the I.P.C. read with Sections 25(1-b)(A), 26, 27, 35 of
the Arms Act.

As per the prosecution case, the informant is the
A.S.I. of Murliganj Police Station. On Patrolling duty alongwith
other police personnel, he arrived at *Maripur Kalla Chowk*
where 5 persons were gathered and after parking their bikes, 2
were sitting on *Machan*. When the informant proceeds toward

one person sitting on *Machan*, he opened fired on them, due to which the bullet hits on his thigh and he become seriously injured. It has also been alleged in the F.I.R. that the informant has apprehended the accused who opened fired on him. In the meantime, other persons standing also opened fired on the police who was also caught hold with the help of other police personnel. With this allegation, the present case has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the petitioner is apprehended from the place of occurrence with loaded *desi* pistol, one empty cartridge and 4 live cartridges were recovered from his possession. Counsel for petitioner further submits that there are 3 criminal cases pending against the petitioner out of which in 2 cases he is on bail and in one case he is persuading for bail. Counsel submits that petitioner is in custody since 20.06.2021. Learned counsel further submits that he has annexed injury report which is Annexure-2. From the said injury, it transpires that all the injuries are simple in nature. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for

bail and submits that the antecedent of the petitioner is not clean and he has fired upon the police on duty.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail petition is hereby rejected. But liberty is hereby granted to petitioner that he may renew his prayer for bail 9 months after framing of charge and the Trial Court is directed to expedite the trial as earliest as possible. If the trial shall not be concluded within 9 months, he shall be released on bail imposing conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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