

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.39821 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- JAHANABAD District- Jehanabad

NIRAJ KUMAR @ NIRAJ SHARMA S/o Mithilesh Suman @ Mithilesh  
Sharma R/o village- Naugarh, P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shivendra Prasad,Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      30-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing in view of the  
COVID 19.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is an accused in connection with  
Jehanabad Town P.S. Case No. 81 of 2022 under Sections 326  
and 307/34 of the Indian Penal Code and Section 27 of the  
Arms Act.

As per the prosecution story, the informant submitted  
that there is piece of land at Raza Bazar which was purchased  
by his father and erected boundary wall. It is further alleged that  
co-accused Ravi Shankar Kumar @ Saurabh Kumar came with  
several miscreants and started construction over the boundary of



informant and also opened fire in course whereof he received fire arm injury on his leg. It is further alleged that the petitioner and co-accused, namely, Chitranjan Kumar also fired to panic his cousin brother. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that allegation of firing and injuring the informant's side is on other co-accused. So far as this petitioner and one Chitranjan are concerned, it is said that they opened fire to cause panic to the cousins of the informant who fled away. Learned counsel submits that admittedly there is land dispute and all the members have been implicated including the petitioner. He however, confessed that the petitioner do have criminal antecedent.

Mr. Jitendra Kumar Singh, learned APP for the State on the other hand, submits that he was part of unlawful assembly and as such his role cannot be ignored.

Be that as it may, the allegation against the petitioner is of opening fire which led the cousins of the informant to fled away, he is in custody since 29.04.2022 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail with conditions in view of the fact that he has criminal antecedent.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Jehanabad P.S. Case No. 81 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave the district (Jehanabad) for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned ( where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for  
cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any  
criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is  
allowed.

**(Rajiv Roy, J)**

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