

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51739 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- KARAHGAR District- Rohtas

MANISH KUMAR Son of Shyama Sharma Resident of Village- Mati, P.S.-
Kargahar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 323, 147, 148, 149, 341 and 504 of the Indian Penal Code, section 27 of the Arms Act and section 12 of the POCSO Act.

As per the prosecution case, while the informant and her sister were dancing in a birthday party it is stated that the accused persons started to dance with them, misbehave and as a result of firing one of the shot fired hit informant's sister. The accused who has fired the shot was caught while others managed to escape.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. It has wrongly been stated that it was the petitioner who fired the shot for the reason that although the petitioner was caught no fire



arm was recovered from his possession. The injury alleged to have been caused as a result of the shot was on a non-vital part of the body and as such no offence under section 307 of the Indian Penal Code would be made out and in fact section 357 of the Indian Penal Code may be applicable in the case. The petitioner is in custody since 3.5.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the material that has transpired in course of investigation including the injury said to be on the thigh of the sister of the informant, the petitioner having remained in custody for over 10 months, not having any criminal antecedent and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Kargahar P.S. Case no. 86 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Rohtas at Sasaram.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

