

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43894 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- GAMAHARIYA District- Madhepura

Ranjeet Kumar @ Ranjeet Sharma, S/o Visheshwar Sutihar @ Basudeo Sharma, R/o village- Thumha, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Jha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Gamahariya P.S. Case No. 74 of 2021 registered for the alleged offences under Sections 323, 379, 307 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner entered into a conspiracy with other co-accused persons and in furtherance of this conspiracy, the son of the informant was shot at by co-accused Suman Kumar while he has been going with the informant on a motorcycle. The occurrence took place in the background of dispute over marriage of daughter of one Shiv Chandra Sharma with the son of the informant which was resented by the petitioner



and other co-accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is delay of two days in filing the FIR for which there is no explanation. From the FIR, it appears that the informant himself received the injury but there is no injury report of the informant. Rather the injury report is that of his son but the said report of the injured Pritam Kumar Sharma shows it has been prepared eight hours prior to the alleged time of occurrence. This completely falsifies the prosecution case. The nature of injury is stated to be simple. Moreover, the allegation of firing is upon co-accused Suman Kumar and is not against this petitioner. This co-accused has been granted anticipatory bail by the Court of learned Additional and Sessions Judge-IV, Madhepura. The petitioner has been implicated in the instant case on the false and baseless presumption that the petitioner along with co-accused were against the marriage of the daughter of one Shiv Chandra Sharma. Learned counsel further submits that the matter has been compromised and cordial relationship has been established between the parties. The petitioner is in custody since 30.04.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the vague nature of allegation against this petitioner along with lack of substantive material on record to connect him with the offence as alleged and further considering the period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Madhepura in connection with Gamahariya P.S. Case No. 74 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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