

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49079 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- ISUAPUR District- Saran

Kundan Sharma, aged about 30 years (M) Son of Prakash Sharma Resident of village - Kakariha, P. S.- Khaira, District- Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Adv.
For the Opposite Party : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with *Isuapur PS Case No. 61 of 2022*, registered for the offence punishable under Sections 341, 307 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged that he was fired upon by two unknown persons who were moving on a motorcycle. In the same breath, in the later part of the FIR, he alleges that based on some subsisting land dispute he believes that the petitioner, who happens to be the son-in-law of the elder sister-in-law of the informant, has fired upon him.



Learned counsel for the petitioner submits that the narration in the FIR itself renders the prosecution case doubtful inasmuch at the beginning of the narration the informant has stated that firing was done by unknown persons whereas at the end of the FIR, he has stated that it is the petitioner who has fired upon him. From the narration of the FIR, the basis of false implication emerges, being the subsisting land dispute between the parties.

The petitioner is stated to be in custody since 30-03-2022 though there is no antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *JM 1st Class, Chapra, Dist. Saran*, in connection with *Isuapur PS Case No. 61 of 2022*, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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