

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60670 of 2021

Arising Out of PS. Case No.-181 Year-2021 Thana- TEKARI District- Gaya

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1. Krishan Gopal Sharma @ Nandlal Sharma S/O- Late Mahesh Sharma Resident Of Village- Dhandhaila, P.S.- Tekari, District- Gaya.
 2. Ratan Gopal Sharma S/O- Late Mahesh Sharma Resident Of Village- Dhandhaila, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate.
For the State	:	Mr. Arun Kumar Singh, APP.
For the Informant	:	Mr. Shivendra Prakash, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Tekari (Mau O.P.) P. S. Case No. 181 of 2021 registered for the offences punishable under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26 and 27 of the Arms Act.

As per the prosecution case, it is alleged that on 23.04.2021, while the brother of the informant was going for harvest and when he reached near the house of co-accused Tanu Sharma @ Abhishek Sharma, all the F.I.R. named accused persons including the petitioners armed with rifle surrounded him. Thereafter, it is alleged that wives of Nandlal Sharma and



Tanu Sharma @ Abhishek Sharma started abusing him and further, wife of Tanu Sharma @ Abhishek Sharma came out with a rifle and gave it to her husband upon which Tanu Sharma @ Abhishek Sharma fired on Arjun Sharma due to which the brother of the informant, namely, Arjun Sharma died.

Learned counsel appearing on behalf of the petitioner submits that there is specific allegation of firing against Tanu Sharma @ Abhishek Sharma. So far other accused persons are concerned, there are general and omnibus allegation against them that they had surrounded the deceased. It is further submitted that there is counter version of the present occurrence instituted by one Pritu Sharma, wife of Tanu Sharma @ Abhishek Sharma being Tekari P. S. Case No. 182 of 2021 (Annexure 2 to this application). It is next submitted that the dead body of the deceased was found in village Ghanghaila and not near the house of the main assailant. It is also submitted that even as per the F.I.R., the informant does not appear to be eye witness. It is next submitted that the petitioners are in custody since 06.07.2021. The investigation has been completed and the charge-sheet has already been submitted in the present case. There is no chance of absconding of the petitioner and tampering with the evidences.



On the other hand, learned counsel for the informant vehemently opposes the bail application of the petitioners and submitted that though there is general and omnibus allegation against these petitioners but they were present at the place of occurrence with rifle and their connivance cannot be denied. It is also submitted that certain cartridges were also found near the house of the petitioners. He further draws the attention of this Court towards the antecedent of the petitioner, as mentioned in Paragraph No. 3 of this application. In reply to the aforesaid submissions, learned counsel for the petitioners submits that both the cases are of 2000 and 2001 in which they are on bail.

Learned counsel appearing on behalf of the State also opposes the bail application of the petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation against all the accused persons, except Tanu Sharma @ Abhishek Sharma, who has fired upon the deceased, which resulted into the death, apart from the fact that there has been a land dispute between the parties and the petitioners are in custody since 06.07.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of



Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Tekari (Mau O.P.) P. S. Case No. 181 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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