

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62513 of 2021

Arising Out of PS. Case No.-442 Year-2021 Thana- GARKHA District- Saran

Sujit Sharma @ Sujit Kumar Son Of Lalan Sharma Resident Of Village - Bara
Telpa, P.S.- Chapra Town, District - Saran (chapra).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Opposite Party/s : Mr. Nagendra Prasad
Mr. Anjani Parashar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 326, 307, 120(B)/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 27.06.2021 at 7.30 A.M., he left his motorcycle and he noticed that Sheonath Rai was coming behind him and following him with his motorcycle. It is next alleged that when informant reached the Telpa Chowk, Sheonath Rai went ahead and thereafter, the informant came back to his house with his friend Bipul Rai. It is next alleged that the informant thereafter again left his house for realizing money at Bhikhari Chowk where he found Sheonath Rai and Sujit



Sharma (petitioner) sitting at Bhikhari chowk. It is next alleged that informant after sometime, saw in the looking glass of his motorcycle that Sheonath Rai was following him along with two unknown accused. It is next alleged that when the informant returning home after collecting the money, the aforesaid two accused, who were on the motorcycle of Sheonath Rai, fired at him causing injury as detailed in the F.I.R.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the petitioner saw Sheonath Rai and this petitioner sitting at Bhikhari chowk while he was going to collect the money found and thereafter, he alleges that he saw in the looking glass that Sheonath Rai along with two unknown accused were following him. It is thus submitted that thereafter, informant was being followed by Sheonath Rai and two unidentified accused persons, who later shot him, as such, the only allegation against the petitioner is that he was found sitting along with Sheonath Rai at Bhikhari chowk. Thus, the informant based on suspicion also alleges that he might have been instrumental in getting the occurrence committed.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application. The learned counsel for the informant submits that unidentified accused, who shot the informant



must be Sujit Sharma as in the F.I.R., it is alleged that along with Sheonath Rai two other accused persons were also following him, but is not able to meet the submission of the learned counsel for the petitioner that informant was known to Sujit Sharma and he does not allege that Sujit Sharma was also following him along with Sheonath Rai.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Garkha P. S. Case No.442 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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