

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.662 of 2022

Arising Out of PS. Case No.-1101 Year-2019 Thana- PHULWARISHARIF District- Patna

Sharwan Kumar Son of Nagina Paswan Resident of Village - Isopur, Harijan
Toli, P.S.- Phulwari Sharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Dilbar Krishna

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-04-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Phulwari Sharif P.S. Case
No. 1101 of 2019, registered for the offence punishable under
Section 307/34 of the Indian Penal Code and section 27 of the
Arms Act.

As per the prosecution case, this petitioner is alleged
to have caused gunshot injury in the stomach of Md. Alam
(informant).

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case. It is further
submitted that for the same occurrence another FIR was lodged
by the Circle Officer, Phulwari Sharif vide Phulwari Sharif PS
Case No. 1093 of 2019 in which petitioner is not named. Further



submitted that co-accused Gaurav Giri @ Gaurav Kumar Giri who is alleged to have caused gunshot injury on right hand has already been granted bail by this Court vide order dated 17.09.2021 passed in Cr. Misc. No. 35474 of 2021 (Annexure-3). Petitioner is in custody since 27.08.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that case of petitioner is distinct and distinguishable as petitioner is alleged to have caused gunshot injury in stomach of informant which is vital organ of the body whereas co-accused who is admitted on bail caused injury on right hand.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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