

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13658 of 2023

Arising Out of PS. Case No.-703 Year-2022 Thana- ARA NAGAR District- Bhojpur

=====

Karan Sharma @ Gourav Kumar S/O Late Dinesh Chandra Sharma @ Late
Dinesh Sharma @ Munnu R/O Village- Bhaluhipur, P.S.- Ara Town, Distt-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

The accused/petitioner is named in the F.I.R. and
apprehended his arrest in connection with Ara Town P.S. Case
No.703 of 2022 registered for the offences punishable under
Section 341, 323, 307 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The allegation against the petitioner is to assault
informant alongwith other co-accused persons and also to open
fire having intention to cause his death, where occurrence arises
out of previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that allegation of firing is not available against this petitioner as per the narration of F.I.R. rather same is available against co-accused persons namely Kamlesh Yadav @ Nunu Yadav and Abhishek Sharma @ A.D. It is submitted that maximum allegation as appears against this petitioner is to assault informant by leg and fist and as such petitioner cannot be said under intention to cause death of the informant. It is also submitted that occurrence arises out of previous enmities. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as allegation of firing is not available against this petitioner, where allegation of assault is limited by using leg and fist, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from this order, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara/concerned Court below where the case is pending in



connection with Ara Town P.S. Case No.703 of 2022 subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

