

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29988 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- HIRAMMA P.S. District- Sheohar

Sachin Kumar Son Of Nawal Kishore Singh Resident Of Village-Madhampur
Chhata, Ps-Hirmma, Dist-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Prabhat Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mrs. Madhubala Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 03-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Hirmma P.S. Case No.11 of 2023 registered for the offence
under Sections 341, 324, 326, 307, 504, 506 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 25.01.2023.

4. The allegation against the petitioner is to open fire
upon informant and others causing gun shot injuries to
informant and her daughter Divya Kumari, where occurrence
arises out of previous enmities.

5. Learned senior counsel Sri. Ramakant Sharma,



while appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where firing was made from both sides and as such it cannot be said that petitioner was under intention to cause death of the injured and informant. It is submitted that petitioner's side also lodged a case regarding present occurrence, raising allegation of firing against informant and others, which has been registered as Hirmma P.S. Case No. 12 of 2023. While arguing over the matter learned senior counsel pointed out para nos.34 & 35 of the case diary, where statement of eye-witnesses of the occurrence are available, which suggests that it was co-accused Nawal Kishore Singh, who specifically fired upon Dhiraj, where pellets after penetrating the jacket of Dhiraj, hit daughter of informant Divya Kumari. It is further submitted that it was the same firing, whose pellet caused injury to the younger brother of Vimal Kishore Singh and this petitioner. Learned senior counsel pointed out that the said co-accused Nawal Kishore Singh having specific allegation to cause firearm injuries to informant and his daughter Divya Kumari, has already granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 20210 of 2023 vide order dated 19.05.2023. It is further submitted that charge-sheet has been submitted in this case



without examination of injured/informant and their statements are not available on record.

6. Learned APP duly assisted by learned counsel appearing on behalf of the Informant, while opposing the prayer for bail submitted that as injured and informant both were in Chennai, in connection to their treatment at *Sankara Nethralaya*, so their statement could not be recorded by investigation officer during course of investigation. It is also submitted that Divya Kumari lost her both eye sight completely out of bullet injury caused during the course of occurrence, where informant raised specific allegation against this petitioner.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as statement of informant and injured is not available on record, where other eye-witnesses of the occurrence categorically alleged co-accused Nawal Kishore Singh, to cause gun shot injuries to informant and his daughter Divya Kumari and not this petitioner, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 25.01.2023, accordingly, petitioner, above named, is directed to be released on bail **after framing of charge** in connection with Hirmma P.S. Case No.11 of 2023 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly



supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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