

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31470 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- KHIRI MORE District- Patna

MUNESHWAR SINGH @ MUNESHWAR SHARMA @ MANNU
SHARMA Son of Dudheshwar Sharma Resident of village - Patauna, P.S. -
Khirimor, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33731 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- KHIRI MORE District- Patna

1. RUPESH KUMAR @ ANIRUDH KUMAR SON OF SRI MUNESHWAR
SHARMA RESIDENT OF VILLAGE- PATAUNA, PS-KHIRIMOR,
DISTT- PATNA
2. MOHIT KUMAR SON OF OM PRAKASH SHARMA RESIDENT OF
VILLAGE- LALGANJ SEHARA, PS- PALIGANJ, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31470 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Ritwik Thakur, Adv.
Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

For the informant : Mr. Krishna Prasad Singh, Sr. Adv.

(In CRIMINAL MISCELLANEOUS No. 33731 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Ritwik Thakur, Adv.
Mr. Vaishnavi Singh, Adv.

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

For the Informant : Mr. Krishna Prasad Singh, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-07-2023 Heard Mr. A.K. Thakur, learned counsel for the

petitioners and Mr. Krishna Prasad Singh, learned senior counsel



for the informant as well as learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioners, which forms part of this application.

The petitioners seek bail in connection with Khirimor P.S. Case No. 134 of 2022 dated 24.12.2022 registered for the offence under Sections 341, 324, 326, 307/34 of the Indian Penal Code.

The petitioners along with others are alleged to have open indiscriminate firing upon the informant due to which he sustained four bullet injuries.

Learned counsel appearing for the petitioners submits that the petitioner innocent and have falsely been implicated in this case due to land dispute between the parties. He further submits that both the parties are stated to be agnates to each other. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that though the petitioners are alleged to have fired indiscriminately upon the informant but the informant has not sustained any injuries on the vital part of his body. He further submits that the police after



investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 03.02.2023.

Learned senior counsel for the informant and learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioners that they have fired indiscriminately upon the informant due to which he sustained four bullet injuries which is evident from the injury report and out of four, one injury is opined to be of grievous in nature.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on **after framing of charge**, furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Danapur, Patna in connection with Khirimor P.S. Case No. 134 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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