

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34923 of 2023

Arising Out of PS. Case No.-975 Year-2022 Thana- SIKARPUR District- West Champaran

Monu Sharma @ Aditya Sharma Son Of Nageshwar Sharma Resident Of
Village- Barwa Baruali, Ps- Shikarpur, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302,
307/34, 120B of the Indian Penal Code.

3. As per prosecution case, petitioner along with other
co-accused persons are alleged to have opened fire upon the son
of the informant namely, Rajesh Kumar due to which he
sustained gun shot injury. Thereafter, he was taken to hospital
where doctor declared him dead.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. From perusal of prosecution



as well case diary, although the informant alleged in his written application that the petitioner shot fire to the deceased whereas, during course of investigation witnesses of this case have stated vide para 18A & 18B of the case diary that the co-accused Md. Firdaush Akhtar shot fire upon the person of the deceased. There is contradiction between statement of witnesses and informant which creates doubt upon the prosecution. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 2.1.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the allegation of opening fire has also been made against the petitioner in the prosecution story. Postmortem report of also supports the prosecution allegation.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Shikarpur P.S. Case No. 975 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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