

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32903 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- GANDHIMAIDAN District- Patna

SAHIL RAJ @ SAHIL RAJ SHARMA @ TISSUE Son of Nalin Vilochan
Sharma Resident of village - Wajidpur, Mahuri, P.S. - Nalanda, Distt. -
Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surya Swetabh, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Ramashish, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioner is in judicial custody in connection with Gandhi Maidan P.S. Case No. 58 of 2023 registered under Sections 188, 302, 353, 427, 504, 506 and 120B of the Indian Penal Code and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 and Section 25 (1-B)a, 26, 27 and 35 of the Arms Act lodged on 27.01.2023 by the informant, Arun Kumar.

As per the prosecution story, the allegation is that during the immersion of Saraswati Idol, around 100 persons were moving and some of them were resorting to intermittent



firing. Further although the Police/Magistrate were there to control the law and order, near S.K. Memorial Hall, Patna, the bullet fired by them shot one of the person, who subsequently succumbed to the injury at PMCH, Patna.

Those who were resorting to firing included this petitioner as per the C.C. Tv. Footage. Accordingly, the FIR.

Learned counsel for the petitioner submits that though there is complete denial of the celebrity firing by him, even otherwise, allegation of firing is on number of persons whereas single bullet has caused the death of the innocent boy and he has remained in custody since 06.02.2023. Further, T.I. Parade has been conducted. It is his undertaking that irrespective of the outcome of the present case and/or accepting the allegation:

(i) he will not be part of any procession relating to immersion of the idols henceforth;

(ii) as a token gesture, as the deceased was also student, he would like to pay sum of Rs. 25,000/- to his family members through demand draft in the name of his father issued by the local State Bank of India to be deposited with the concerned Court.

In this case, the unfortunate father of the deceased has appeared to oppose the prayer stating that in course of



investigation, it has come that there was certain kind of enmity between his son and Naman Kumar and Golu Sharma who also resorted to celebrity firing and as such, it may be a case of intentional firing towards his son to ensure his death

It is for the Police/Trial Court to go through the points raised by the learned counsel appearing on behalf of the unfortunate father of the deceased.

In this bail application, as per the documents provided by the learned counsel for the petitioner, omnibus allegation of firing is on the accused person, he is pursuing Diploma in Women's study from the Patna University, has no criminal antecedent and has remained in custody since 06.02.2023, this Court is inclined to grant him privilege of bail subject to payment of Rs. 25,000/- as per the undertaking given by the learned counsel for the petitioner, as stated above.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna in connection with Gandhi Maidan P.S. Case No. 58 of 2023, subject to the following conditions:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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