

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40196 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- GHOSI District- Jehanabad

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Panna Sharma @ Yogendra Sharma @ Yogendra Kumar Panna Lal S/O Late
Rajbansh Sharma @ Rajbansh Singh R/O Village- Ginji, Ps. Ghoshi, Dist.
Jehanabad Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshul, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP
For the Informant : Mr. Babu Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard Mr. Anshul, learned counsel for the

petitioner, learned counsel appearing on behalf of the informant

as well as learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.02.2023 in connection with Ghoshi P.S. Case No. 126 of
2023, F.I.R. dated 25.02.2023 for the offences punishable under
Sections 147, 148, 149, 341, 342, 323, 324, 504, 506, 120B of
the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, there is an election
dispute between the parties due to which all the accused persons
including the petitioner assaulted the son of the informant and
this petitioner fired upon the son of the informant which hits his
leg and ultimately he died.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that as per the allegation the



petitioner has shot fire on the leg of the deceased but the postmortem report of the deceased does not support the allegation as alleged in the F.I.R against the petitioner and there was no firearm injury found on the leg of the person of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.02.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that bail application of other co-accused persons have been rejected by different Co-ordinate Bench of this Hon'ble Court but fairly submits that there was no firearm injury found on the leg of the person of the deceased and apart from the aforesaid, petitioner carries six criminal antecedents other than the present one but fairly submits that out of six cases, petitioner has been acquitted in one case and in one case police have submitted final form in favour of the petitioner and in rest four cases he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No. 126 of 2023, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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