

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42888 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- GAMAHARIYA District- Madhepura

SHIVCHANDRA SHARMA S/O LATE JAGDISH SHARMA Resident of
Kamargama, Ward No- 04, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Gamhariya P.S. Case No. 74 of 2021 registered for the offence
under Sections 323, 379, 307, 506 of the Indian Penal Code and
Section 27 of Arms Act.

As per prosecution case, the petitioner entered into a
conspiracy with co-accused persons and in furtherance of this
conspiracy, the son of the informant was shot at by co-accused
namely, Suman Kumar while he was going with the informant.
The occurrence took place in the background of dispute over
marriage of daughter of the petitioner with the son of informant
which was resented by the petitioner and other co-accused
persons.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Petitioner has falsely been implicated in this case on false presumption that he along with co-accused were against the marriage of his daughter. It is apparent from FIR that the specific allegation of firing upon son of the informant is against co-accused Suman Kumar not against this petitioner. The injury report of the informant's son shows that it has been prepared eight hours prior to the alleged time of occurrence. The nature of injury is stated to be simple. Petitioner has got no criminal antecedent. Similarly situated co-accused namely, Ranjeet Kumar has already been granted bail by a co-ordinate bench of this court vide order dated 18.11.2022 in Cr. Misc. No. 43894 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 1.5.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Gamhariya P.S. Case No. 74 of 2021 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of learned J.M. 1st Class, Madhepura.

(Sunil Kumar Panwar, J)

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