

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45028 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- GAIGHAT District- Muzaffarpur

ANKUSH SHARMA Son of Prem Lal Sharma Resident of Village -
Sujawalpur, P.S. - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Gaighat PS case no. 223 of 2021 instituted for the offences punishable under Sections 394, 307 of the Indian Penal Code and 27 of Arms Act.

The case of the prosecution in brief, according to the informant, is that on the alleged date and time of occurrence, two unknown miscreants had intercepted the motorcycle of the informant, whereafter they had fired gun shots on the informant, resulting in him sustaining injuries on his neck and then the said unknown miscreants had decamped with the motorcycle, cash amount and mobile phone of the informant.

The learned counsel for the petitioner submits



that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 31.03.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in one other case but he is on bail in the said case. It is also submitted that neither any test identification parade has been held so as to connect the petitioner with the alleged crime nor any recovery of the looted article or motorcycle has been made from the possession of the petitioner, hence, the petitioner has been falsely implicated in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that neither any test identification parade has been conducted so as to connect the petitioner with the alleged crime nor any looted article/ motorcycle has been recovered from the petitioner so as to connect him with the alleged occurrence, apart from the fact that there is no injury on record to suggest that the informant had sustained gun shot injuries, hence, I



deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XV, Muzaffarpur in connection with Gaighat PS case no. 223 of 2021.

(Mohit Kumar Shah, J)

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