

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50664 of 2023

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

1. BUDHAN SHARMA @ DHANESHWAR SHARMA Son of Late Suresh Sharma Resident of village - Dumari, P.S - Ghosi, Distt. - Jehanabad
2. GIRENDRA SHARMA @ GIRENDRA KUMAR SINGH Son of Late Suresh Sharma Resident of village - Dumari, P.S - Ghosi, Distt. - Jehanabad
3. RAJESH SHARMA @ RAJESH KUMAR Son of Late Suresh Sharma Resident of village - Dumari, P.S - Ghosi, Distt. - Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Renuka Sharma, Advocate
For the Informant	:	Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard Mrs. Renuka Sharma, learned counsel for the petitioners, Mr. Anil Kumar, learned counsel appearing on behalf of the Informant and Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Ghosi P.S. Case No. 126 of 2023, F.I.R. dated 25.02.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 504, 506, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The informant alleges that accused persons including the petitioners threatened his son with dire



consequences since he was supporting Vipin Mukhiya, next alleges that on 24.02.2023, the accused persons including the petitioners intercepted his son and assaulted him, further petitioner no. 1 and Panna fired causing injury on leg and thereafter Shyam fired and the bullet grazed his forehead. It is further alleged that Rajesh assaulted by a sharp edged weapon causing injury on right eye, thereafter the accused persons fled presuming him to be dead, but injured was brought to the hospital where he died during the course of treatment.

4. Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in the present case. She further submits that from perusal of the F.I.R. it appears that the allegation against these petitioners that they have brutally assaulted the deceased and one of the co-accused person namely Budhan Sharma @ Dhaneshwar Sharma had fired upon the deceased. She further submits that there was no firearm injury was found on the person of the deceased.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the injury report suggests that the deceased has received firearm injury and co-accused person



namely Panna Sharma against whom the similar allegation have been granted regular bail by the Hon’ble Court and apart from that the petitioners carry four more cases other than the present one.

6. Considering the aforesaid facts supported by the medical evidence, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Ghosi P.S. Case No. 126 of 2023 pending in the Court of Chief Judicial Magistrate, Jehanabad.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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