

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49094 of 2022

Arising Out of PS. Case No.-1035 Year-2020 Thana- FORBESGANJ District- Araria

MONU KUMAR SHARMA S/o Mohan Sharma R/o village- D.D. Road,
Chhuwapatti, Ward No. 17, Forbesganj, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under section 302/34 of the Indian
Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, while the informant was
coming as pillion rider with his younger brother on scooty, and
reached near Jhabak Gali, three miscreants on one motorcycle
overtook their scooty and opened fire as a result of which
informant's younger brother received gun shot injury on his
chest and died.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. His name
has been transpired in the confessional statement of co-accused



Shyam Bahardar before the police, which has no evidentiary value in the eye of law. Petitioner is not named in the FIR. It is further submitted that accused Shyam Bahardar has already been enlarged on bail by another Bench vide order dated 26.04.2022 passed in Cr. Misc. No. 71827 of 2021. Petitioner is in custody since 21.06.2021.

The application for bail is opposed by learned APP for the State.

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Araria in connection with S.T. No. 67 of 2022 arising out of Forbesganj P.S. Case No. 1035 of 2020.

(Sunil Kumar Panwar, J)

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