

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6795 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- PASRAHA District- Khagaria

Praveen Kumar S/O SANJAY SHARMA VILLAGE- TEHAI, PS.
PASRAHA, DIST. KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12916 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- PASRAHA District- Khagaria

Sonu Kumar Son of Bhado Yadav R/o Village -Tehair Bhagya Pasraha, P.S.-
Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6795 of 2024)

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

(In CRIMINAL MISCELLANEOUS No. 12916 of 2024)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-04-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Pasraha P.S. Case no.200 and 2023, registered under sections 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that the four named accused persons including the two petitioners herein came variously armed. Dhiraj Kumar shot the



son of the informant namely Pankaj Sharma in his chest on which his son started to flee away. Radhe Sharma fired on the informant which missed him. It is further stated that the two petitioners herein namely Sonu Kumar and Praveen Kumar chased the informant's son and at the same time resorted to indiscriminate firing. Later the accused persons escaped giving threats. The informant states that his son was seriously injured and soon thereafter died.

4. Learned counsel for the petitioner Praveen Kumar submits that the petitioner has been falsely implicated in the case. The allegations are general and omnibus in nature. The deceased Pankaj Sharma had a criminal background with Pasraha P.S Case no. 22 of 2014 having been registered against him. Only one injury was found in the postmortem report of deceased which is directly attributable to Dhiraj Kumar. The petitioner is in custody since 20.7.2023 and undertakes to cooperate in the trial.

5. Learned counsel for the petitioner Sonu Kumar submits that he has been falsely implicated in the case. The only injury found on the body of the deceased is directly attributable to Dhiraj Kumar and not the petitioner herein. The petitioner is in custody since 20.7.2023 and undertakes to cooperate in the



trial.

6. The application for bail is opposed by learned A.P.P for the State.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, there being direct allegation against co-accused Dhiraj Kumar of having fired and having hit the son of the informant (deceased) in his chest, the only gunshot injury found in the postmortem report being directly attributable to the said Dhiraj Kumar and not the petitioners herein together with the petitioners having remained in custody for about 9 months since 20.7.2023 and charge-sheet having been submitted in the case, both the petitioners are directed to be enlarged on bail in connection with Pasraha P.S. Case no.200 and 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria.

(Partha Sarthy, J)

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