

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6843 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- BIHIA District- Bhojpur

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Shyamakant Verma @ Nanhelal Son of Late Brahmeshwar Nath Verma @
Late Bermeshwarnath Verma Resident of Village- Kharauni, P.S. Bihiya,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s :	Mr. Nirmal Kumar Sinha, APP
	Mr. Harsh Singh, Advocate
	Mr. Kamal Kishor Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 17-02-2024 1. Heard learned counsel for the petitioner, learned
A.P.P for the State and learned counsel for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Bihiya P.S Case
no.257 of 2023 registered under sections 302 and 34 of the
Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, the informant states
that while he was sitting at his agricultural land, ten named
accused persons including the petitioner came. On the orders
of the petitioner and one Amar Kumar Sinha, Amar Kumar
Sinha fired from his pistol hitting his brother. Thereafter while



Amar Kumar Sinha caught hold of the informant, the petitioner caught Vishnu Kumar Pandey. It is further stated that Bipin Kumar Sinha fired on Shamsheer Jung while Saurabh Kumar Sinha attempted to fire on the informant but the informant caught hold of his hand as a result of which the fire went in the air. Shamsheer Jung died in the occurrence.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Accepting the allegations in the FIR for the sake of argument, the petitioner is said to be the order giver. There is no allegation of firing on him. He is in custody since 13.10.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but there is direct allegation against him of having actively participated in the occurrence. Besides having given orders, the petitioner is said to have caught hold of Vishnu Kumar Pandey. The said Vishnu Kumar Pandey was also injured in the occurrence. There is land dispute between the parties with the orders passed by the DCLR having gone against the petitioner. He had suppressed



his antecedents in the learned Court below and his correct age is only 68 years. It is lastly submitted that even if Court finds favour in the case of the petitioner, he may only be released after framing of charge.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the allegation being of an order giver along with co-accused Amar Kumar Sinha, specific allegation of firing being on Amar Kumar Sinha, Bipin Kumar Sinha and Saurabh Kumar Sinha, the petitioner having remained in custody for four months since 13.10.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Bihiya P.S Case no.257 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Bhojpur, Ara.

7. It is directed that the petitioner shall cooperate in the case/trial and shall remain properly represented on each date of the trial. In case the learned trial Court is of the opinion that case/trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the



bail bond of the petitioner and take him into custody till
conclusion of the trial.

(Partha Sarthy, J)

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