

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28193 of 2024**

Arising Out of PS. Case No.-288 Year-2023 Thana- CHAUSA District- Madhepura

Pawan Sharma @ Pawan Kumar Sharma @ Pawan Kumar Son of Dilip Sharma Resident of Village- Dhuriya Kalasan, Police Station- Chausa, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31856 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- CHAUSA District- Madhepura

Bhawan Sharma @ Bhawan Kumar S/o- Dilip Sharma Village- Dhuriya Ps- Chausa Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28193 of 2024)

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Narendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 31856 of 2024)

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Ms.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

6 23-09-2024 I have already heard learned counsel for the
petitioners and learned APP for the State.

2. These are an application for regular bail on
behalf of the petitioners for the offences alleged under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms



Act, registered in connection with Chausa P.S.Case No. 288 of 2023.

3. The informant is the wife of the deceased Anjit Kumar Yadav @ Annu. As per the prosecution case, the deceased was running a fertilizer shop at Kalasan Chowk. The petitioners, who are brothers had taken 5 to 6 lacs from the deceased on credit. On 09.10.2023, the deceased demanded his dues. Then both the petitioners threatened to kill him, had he again demanded the money. On 11.10.2023, at about 1.00 (night) the petitioners and 4-5 unknown persons came to the shop of the deceased and they fired at him. Thereafter they fled away by uttering slogans. He was firstly brought to Mayaganj Hospital, Bhagalpur, and thereafter was refereed to Paras Hospital, Patna where he died on 18.10.2023. It has been mentioned in the FIR that the husband of the informant was in full conscious state, when he was being carried for treatment to Mayaganj Hospital, Bhagalpur and her husband himself narrated the entire occurrence to the informant.

4. The learned counsel for the petitioners has submitted that they are innocent and have falsely been implicated. The occurrence had taken place on 11.10.2023, but the FIR was lodged on 20.10.2023, whereas the deceased died



on 18.10.2023. It has been submitted that the deceased's statement was not recorded in Mayaganj Hospital, Bhagalpur prior to his death and in the post mortem report, though two injuries were found, but no opinion regarding wounds has been given. The learned counsel has also submitted that the petitioner Pawan Sharma is a handicapped person.

5. On the other hand, the learned APP for the State has opposed the prayer for bail by submitting that the deceased died after giving dying declaration to his wife, who is the informant of this case. The reason for delay in lodging of the FIR is apparent as condition of the deceased was serious. He was firstly taken to Mayaganj Hospital, Bhagalpur and thereafter he was referred to Paras Hospital, Patna, where he died. Learned APP has also submitted that it reveals from the materials collected during investigation that in Mayaganj Hospital, Bhagalpur X-ray of the injured (deceased) was taken and a bullet was found in his body at C7 level. In the post mortem report stitched wounds (i) 14 cm x 1cm over mid vertebral limb, metallic stitch 29 in number from nape of neck vertical below & (ii) 9 cm x 1 cm vertically plant on left side of neck were found.

6. Considering the above facts and circumstances of



the case, I am not inclined to grant the petitioners the privilege
of bail. The applications are accordingly rejected.

(Nawneet Kumar Pandey, J)

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