

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28916 of 2024**

Arising Out of PS. Case No.-118 Year-2023 Thana- PAUTHU District- Aurangabad

Girijesh Sharma @ Girijesh Sharma @ Girijesh Kumar SON OF LATE
GUPTESHWAR SHARMA Village- Achuki PS- Pauthu District-
Auranghabab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Ashok Singh, Advocate
Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 21-06-2024 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in a case registered for
the offence punishable under Sections 341, 323, 325, 307, 504
and 506/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. The prosecution story as per the fardbeyan is that
on 01.10.2023 at about 08:00 AM, when the informant reached
near his Dalan, he saw Rakesh Kumar @ Nahe Sharma and
Girijesh Sharma were passing through the passage of informant
and they were abusing while looking towards the informant's
house. When the informant asked them, why and to whom they



are abusing, they replied that the mind of informant became embolden now and they were abusing them. Upon shout, the informant's mother Nirmala Devi and brother Nitish and son Sarthak Kumar came out from the house. Thereafter, accused Rakesh and petitioner started scuffle and then went to their house. Thereafter, they returned armed with Lathi and pistol and threatened to kill. Accused Rakesh Kumar assaulted on the hands and body of the informant's mother with lathi. The petitioner fired on informant thrice with his pistol, causing injury over left side of his neck and chick and he became unconscious. Then, accused-petitioner fired repeatedly with pistol, aiming at the family members of the informant, by which Sarthak Kumar sustained fire arm injury on his chest. Nithish Kumar sustained firearms injury on his left leg. The informant also sustained firearms injury on his back. Thereafter, villagers came for rescue and the accused persons fled away. Then, the injured persons were taken to Aurangabad Hospital for treatment, from where they were referred to ANMCH, Gaya for their better treatment.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that similarly situated co-accused has already been



granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 761 of 2024. Petitioner is in custody since 12.03.2024 and he has got clean antecedent.

5. The learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the first information report, case diary and injury report, it appears that there is direct allegation against the petitioner of firing in firing several bullet shots with pistol over the informant and other victims causing injuries to them. On perusal of the case diary, it appears that in paras-8, 9, 10, 11, 54 and 56 goes to show that the statement of the witnesses have also supported the allegation against this petitioner and further perusal of the case diary in para-88 injury report and para-97 supplementary injury reports of the alleged victims goes to show that the fire arm injuries have been found over the persons of alleged victims Ankit Kumar and Nitish Kumar. The doctor has found the injuries dangerous to life. From perusal of the injury report of Nirmala Devi, it transpires that the same has been found grievous in nature. There are sufficient material available in the case diary against the petitioner and the petitioner attempted to murder by firing gun shot which is very serious in nature and the investigation is still



pending against him so, I am not inclined to grant bail to the petitioner.

7. Prayer for bail of the petitioner is hereby rejected.

8. The trial Court is directed to conclude the trial preferably within a period of one year.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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