

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50811 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- TEKARI District- Gaya

Shivam Kumar, Male, aged about 26 years, Son of Dhananjay Kumar Sharma
@ Dhananjay Sharma @ Dhananjay Kumar, Resident of Village-Bhori, Police
Station-Tekari, District – Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Aryan Singh, Advocate
For the Informant	:	Mr. Ramakant Sharma, Senior Advocate and Ms. Preety Kunwar, Advocate
For the State	:	Mr. Narsingh Tanti, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner, learned senior
counsel for the informant and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Tekari P.S. Case No. 407 of 2023 dated 04.07.2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 04.07.2023, the husband of the informant was returning to his house on bike by making her see off at *Ramgarh Mushi School* and on the way at about 9.00 A.M., at the some distance of *Musi*, the co-accused persons Ranjan Kumar @ Banda, Shivam Kumar (petitioner),



Dhananjay Sharma and one unknown person stopped her husband and the co-accused Ranjan Kumar @ Banda opened fire on her husband and the bullet passed through forehead and when her husband tried to flee away, the co-accused Dhananjay Sharma opened fire from his pistol, as a result of which, he sustained injuries in his left hand and her husband fell down. In the meantime, Shivam Kumar (petitioner) and unknown person assaulted with rod on the body, hand and leg, as a result of which, the hand of the informant's husband got fractured. It is further alleged that the co-accused Dhananjay Sharma snatched two mobiles of her husband and the co-accused Ranjan Kumar @ Banda took Rs. 5,000/- from the pocket of her husband and fled away from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is property dispute between the parties. The informant is not an eye witness to the alleged offence. It is further submitted that the informant's husband was medically examined by the doctor and the doctor has opined 'fracture lower shaft of both bone of right forearm and fracture upper shaft of both bone of left forearm', hence, injury nos. 1, 2 and 4 are grievous and the injury no. 3 is simple



in nature. It is further submitted that only grievous injury found on the body was a bone fracture on the hands which cannot be caused by a firearm and even the doctor says that the injury may be caused by hard and blunt object and may be firearm used. The real fact is that the informant's husband got injuries due to bike accident. It is further submitted that the other co-accused persons Ravi Kumar @ Ranjan Kumar @ Banda and Dhananjay Kumar Sharma @ Dhananjay Sharma @ Dhananjay Kumar have already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 48014 of 2024 under order dated 12.08.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State and learned senior counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned senior counsel for the informant has submitted that the petitioner and unknown person assaulted the informant's husband with rod on his body, hand and leg as a result of which, his hand got fractured.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Gaya, in connection with Tekari P.S. Case No. 407 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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