

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50620 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Bikash Sharma Son of Sri Manoj Sharma @ Santosh Kumar Resident of
village - Bhelwa Ward No.- 03, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

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

Mr. Kuldeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel appearing on behalf of the
informant.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 307, 354
(kh), 379, 447, 448, 504, 506, 34 of the Indian Penal Code and
Section 27 of the Arms Act in connection with Saharsa Sadar
P.S. Case No.498 of 2023.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of two cases, but in one case which
was instituted under Section 302 of the IPC, the police
submitted final form. It is also submitted that petitioner is in
custody since 03.12.2023 and the informant alleges that on
26.07.2023 the son of Manoj Sharma, namely, Abhishek



Sharma came on the land of the informant for attending the call of nature, on objection Abhishek and his family members assaulted the informant and his son Nandan causing injury on head of Nandan, thereafter, on the same day at 08.30 PM Abhishek along with eleven named accused persons including the petitioner along with 5-10 unknown accused came and started abusing and firing, thereafter, on orders of Leeladhar and Arun, accused Abhishek fired at Sanjay, but missed, thereafter Abhishek again fired causing injury on left hand of the informant, further the unknown accused started indiscriminate firing, when villagers gathered and apprehended Chhotu and Raju who were assaulted by the villagers, it is further alleged that prior to Chhotu and Raju being apprehended Abhishek with his associates had entered the house and assaulted his wife and Abhishek snatched her chain.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant being brother of Abhishek and son of Manoj Sharma. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that thrust of the allegation is against Abhishek and no specific allegation is alleged against the petitioner except that he is also alleged to have been present



at the place of occurrence.

5. The learned APP for the State and the learned counsel appearing on behalf of the informant opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named is directed to be released on bail on his furnishing bail-bonds in the sum 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, Saharsa in connection with Saharsa Sadar P.S. Case No.498 of 2023.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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