

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55121 of 2024

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

Saurav Kumar Sinha @ Vikash Kumar Sinha Son of Raviranjana Verma
Resident of Village- Kharauni, P.S. Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-10-2024

1. Heard learned counsel for the parties.

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 Shyamakant Verma and Arun Kumar Sinha, Amar Kumar Sinha fired from his pistol hitting his brother. Thereafter while Amar Kumar Sinha caught hold of the informant, Shyamakant Verma caught Vishnu 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 as levelled against the petitioner in the FIR, no person was injured as a result of firing resorted to by the petitioner. The petitioner is in custody since 2.5.2024 and as per instructions received, charge has been framed in the learned Court below. The petitioner undertakes to cooperate in the trial.

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 that he resorted to firing but it was as a result of the informant catching hold of his hand that the shot fired by the petitioner went in the air. One person died in the occurrence. Further referring to the order dated 17.2.2024 passed in Cr. Misc. no.6843 of 2024 granting bail to Shyamakant Verma, it is submitted that this Court has taken categorical note of the fact that there was specific allegation of firing against the other accused persons including this petitioner. Charge has been framed in the learned trial Court and the examination of



witnesses has started. It is submitted that one of the witnesses has stated about threats being given by this petitioner in case he deposed in the trial.

6. In response, learned counsel for the petitioner submits that the submission with respect to threat etc. having been given is false.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the submissions made by learned counsel for the petitioner, no person having been injured as a result of firing of this petitioner, his being in custody since 2.5.2024 and trial having commenced in the learned trial Court with charge having been framed, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial nos.147 of 2024 & 346 of 2024 (arising out of 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 Sessions Judge IV, Bhojpur, Ara.

(Partha Sarthy, J)

Saurabh/-

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