

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70405 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- NAUBATPUR District- Patna

Lalji Sharma @ Laljee Sharma Son of Late Shital Sharma @ Shital Singh
Resident of Village- Samanpura, P.S.- Naubatpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Naubatpur P.S. Case No. 348 of 2024, registered for the offence punishable under Sections 341, 323, 302, 504 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that on 27.06.2024 in the evening, the son of the informant went to market on his motorcycle, but when he did not return and despite making call when he did not pick up the same, suspecting some foul play, the informant along with his wife went to the market. In the way, they found that all the FIR named accused persons surrounded his son and on the dictate of



co-accused *Dharmendra Sharma*, co-accused *Dharmendra* and *Sunny* fired upon him, which proved fatal. It is further alleged that accused persons also fired upon the informant but he did not sustain any injury. The reason for the said occurrence is said to be that earlier the informant has instituted Naubatpur P.S. Case No. 325 of 2024 against some of the accused persons and they were making threatening to withdraw the case, which was denied by the informant.

4. Learned Advocate the petitioner drawing the attention of this Court to the written report contended that the petitioner is said to be armed with a *danda*, present at the place of occurrence. Save and except the petitioner being a member of the mob, there is no allegation of any overt act. The specific allegation of firing has been levelled against co-accused *Dharmendra* and *Sunny*. The petitioner is also not accused in earlier Naubatpur P.S. Case No. 325 of 2024 and, as such, the allegation of threatening given by the accused person does not attract the complicity of the petitioner in the crime. The petitioner has absolutely fair antecedent, aged about 70 years and suffering from brain hemorrhage and paralysis since 2020. In support of the aforesaid contention, the C.T. Scan report of the petitioner has been brought on record by way of Annexure-



P/2. It is lastly contended that now the petitioner has been incarcerated since 29.06.2024 and the investigation is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the son of the informant is done to death in a brutal manner by all the accused person, including the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no allegation of any overt act against the petitioner and the deceased was done to death by firearm injury. The reason for the occurrence is said to be an old enmity, coupled with the fair antecedent of the petitioner and his ailment, as shown by Annexure-P/2, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI at Danapur, Patna in connection with Naubatpur P.S. Case No. 348 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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