

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70977 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- ALIPUR District- Gaya

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Bittu Kumar @ Bittu sharma S/o- Girja Sharma R/O Village- Rasalpur P S-
Alipur District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr.Ashok Kumar
For the Opposite Party/s :		Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard learned Sr. Counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Alipur P.S. Case No. 46/2024 lodged on 25.03.2024 under
Sections 341, 342, 307, 504, 506, 34 of the Indian Penal Code
and 25(1-B)(a), 26, 27, 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against two named and eight unknown accused persons
with an allegation of indiscriminate firing.

4. Learned Sr. Counsel for the petitioner submits that
the petitioner is innocent and has committed no offence. In fact,
he has been implicated in this case due to an election dispute.
The written report itself suggests that there is an allegation of



indiscriminate firing. Still, none has received any injury nor have the police seized any cartridge from the place of occurrence, and instead thereof, the informant himself produced some cartridges before the police. Hence, from the F.I.R., no offence is made out against the petitioner. Learned counsel further submits that one co-accused has been granted bail vide order dated 27.05.2024 passed in Criminal Miscellaneous No. 38859 of 2024. It is true that the police have mentioned in the Case Diary that there are in total 9 criminal cases against the present petitioner including the present one but this fact has been explained in para 3 that out of nine cases, in four cases, the petitioner has been acquitted which are Alipur P.S. Case No. 53/2021, 101/2021, 59/2014, 65/2016 and rest cases, he is on bail. The petitioner is in custody since 26.06.2024.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on being satisfied by the learned Trial Court the petitioner is not absconding the cases mentioned in paragraph 3 of the petition as **Alipur P.S. Case No. 45/2021, Alipur P.S. Case No. 100/2021, Main P.S. Case No. 36 of**



2020 and Main P.S. Case No. 35/2020, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gaya, in connection with Alipur P.S. Case No. 46/2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

Ashwini/-

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