

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5817 of 2025

Arising Out of PS. Case No.-120 Year-2024 Thana- MAHESHKHUNT District- Khagaria

Rajesh Kumar Sharma S/o Ghanshyam Sharma R/o Village- Pakrail Bind Toli
Ward No.7, P.S.- Maheshkhunt, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Maheshkunt P.S. Case No. 120 of 2024 registered for the offences punishable under Sections 341, 323, 325, 307, 354(B), 379, 448, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to assault the informant and others along with other named co-accused persons causing head and bodily injury, which alleged to be caused with an intention to cause death of the informant. The



occurrence has arisen due to land dispute. It is alleged that said assault was caused by lathi, iron rod etc., where petitioner was equipped with pistol.

4. Learned counsel appearing on behalf of the petitioner submitted that maximum allegation against the petitioner, which can be gathered from the face of F.I.R., is of raising pistol in his hand and to threat the informant. It is submitted that allegation of firing is not available against the petitioner and despite of having fire-arm in hand, in absence of firing it can be gathered safely that petitioner was not under intention to cause death of the informant and others. It is submitted that allegation of physical assault is available against several co-accused persons, however, the petitioner is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as despite of having equipped with pistol, the allegation of firing *prima-facie* is not available against this petitioner rather allegation of physical assault is



available against several other co-accused persons, where petitioner is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria /concerned court in connection with Maheshkunt P.S. Case No. 120 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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