

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3595 of 2025

Arising Out of PS. Case No.-672 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Dhiraj Sharma @ Dhiraj Kumar @ Dheeraj Kumar S/O Late Garib Das R/O
Vill.- Patel Nagar, Ward no. 28, P.S.- Sadar, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Saharsa Sadar P.S. Case No. 672 of 2024, registered for the offences punishable under Sections 308(3), 109, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. Allegedly on the fateful day of the occurrence while the informant was engaged in demolishing his boundary wall, in the meanwhile, the petitioner along with his two brothers came at their roof and started abusing and made indiscriminate firing over the informant. It is further alleged that when the same was protested by the informant this petitioner fired upon him due to which he sustained injury on the right side of his waist.

4. Learned Advocate for the petitioner contended that from the narrations made in the FIR, *prima facie*, it appears that there is land dispute between the parties, which resulted into lodging of the FIR by making a specific allegation against the



petitioner. Learned Advocate for the petitioner drew the attention of this Court to the impugned order and submitted that though it has been found that the informant has sustained firearm injury but the same is simple in nature. Be that as it may, now the petitioner has been incarcerated since 13.09.2024. Investigation is complete and the charge sheet has been submitted. It is lastly contended that the petitioner bears fair antecedent and he undertakes before this Court that he would not indulge in any similar kind of activities.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the main assailant causing firearm injury to the informant, however he was fortunate enough that the bullet did not hit on any vital portion of his body.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury and the fact that the petitioner is a man of fair antecedent and the genesis of occurrence is arising from the land dispute, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa



Sadar P.S. Case No. 672 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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