

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9553 of 2025

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

Dharmendra Sharma, S/o- Late Madan Sharma, Resident of Village-
Samanpura, P.S- Naubatpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP
For the Informant	:	Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-02-2025 Heard Mr. Y. C. Verma, learned Senior Advocate for
the petitioner and learned APP for the State. The informant is
represented through Mr. Sumit Kumar, learned Advocate.

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

3. Allegedly when the son of the informant went to
the market on his motorcycle and when he did not return for a
pretty long time. 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
F.I.R. named accused persons armed with weapons surrounded



his son. It is specifically alleged that after making exhortation, Dharmendra Sharma (petitioner) along with co-accused Sunny fired upon the deceased, which proved fatal.

4. Learned Senior Advocate for the petitioner submitted that the F.I.R. is, prima facie, tainted one. The informant and his wife are claiming to be the eye witness to the alleged occurrence, but surprisingly at the time of preparation of inquest report and the post-mortem report, their fardbeyan were neither recorded nor they filed any written report. The entire allegation has been levelled against the petitioner and others only on suspicion, on account of their past criminal activities. It is further contended that the occurrence took place on 27.06.2024, but the F.I.R. has been instituted on 28.06.2024, irrespective of the fact that the informant is claiming himself to be an eye witness. The presence of the informant and his wife are also doubted for the simple reason that they have not made any effort to save their son nor they have received any injury and allowed the miscreants to go escort free. Referring to the order passed by this Court with respect to other co-accused persons, it is also contended that some of the accused, who were also participated in the crime, they have been allowed bail by this Court, the copies of which have been marked as Annexure-



4 Series.

5. On the other hand, learned Advocate for the State and the informant vehemently oppose the bail application and submit that apart from the specific allegation against the petitioner and one other co-accused, namely, Sunny Kumar, of causing firearm injury to the son of the informant, leading to his death, the petitioner also involved in threatening the deceased and his family members, due to the earlier case instituted against the petitioner and others.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of causing firearm injury, leading to the death of the son of the informant, apart from indulged in threatening, this Court is not acceded to the prayer of the petitioner for grant of bail.

7. Accordingly, the prayer for grant of bail to the petitioner stands rejected.

8. It is expected that the court below shall take all effort to conclude the trial as early as possible.

(Harish Kumar, J)

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