

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8773 of 2025

Arising Out of PS. Case No.-292 Year-2024 Thana- PALIGANJ District- Patna

Ajit Kumar Sharma @ Ajit Kumar Son of Devendra Sharma village-
Fatehpur, ps- Paliganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Sr. Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP
For the Informant	:	Mr. Hemant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2025 Heard Mr. Anshul, learned senior counsel for the

petitioner, Mr. Hemant Kumar, learned counsel appearing on

behalf of the informant as well as Mr. Anant Kumar 1, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Paliganj P.S. Case No. 292 of 2024, F.I.R. dated
24.07.2024 for the offences punishable under Sections 103,
61(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, this petitioner along
with other accused persons have committed murder of brother
of the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case due to village politics. It appears from the F.I.R that although there is specific allegation against the petitioner in the F.I.R as the informant claims that he is the eye witness and the petitioner has fired upon the victim by means of pistol and it appears from the F.I.R as well as other documents that due to admitted land dispute the present occurrence took place. He further submits that there is specific allegation against the petitioner that he has fired upon the victim by means of revolver but the F.S.L. report of the deceased suggest otherwise which is quoted as *“1. Death is due to cranio-cerebral injury caused by rifled firearm (projectile-bullet) injury to head. These injuries are sufficient enough to cause death in ordinary course of nature. 2. Time elapsed since death is within 12±03 hours from the time of post-mortem examination.”* which suggest that the deceased has died due to rifle firearm injury which was inflicted upon the head of the deceased.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and there is specific allegation against the petitioner that he has fired upon



the victim and the informant might not have identified the weapon which was used in the present crime in question. Apart from that the petitioner carries five criminal antecedents other than the present one. Although the petitioner has not stated anywhere in the supplementary affidavit that whether he is on bail in the pending matter or not but learned counsel for the petitioner submits on instruction that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Patna in connection with Paliganj P.S. Case No. 292 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

