

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63375 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- KRISHNAGARH District- Bhojpur

Mohan Sharma S/o Late Chotte Lal Sharma R/o Vill- Hetampur, P.S-
Krishnagarh, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Nath Sinha, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP
For the Informant	:	Mr. Kamleshwar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-11-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State. Perused the
case diary.

2. The petitioner seeks bail in connection with
Krishna Garh P.S. Case No. 08 of 2025 instituted for the offence
under Sections 103(2), 61(2) & 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 25(1-b)a & 27 of the Arms Act.

3. Prosecution case, in short, is that the minor son of
the deceased reported that while his father was returning home
on a motorcycle, he was intercepted at Sohra Bandh by Mohan
Sharma (petitioner herein), Sonu Sharma, Sanjay Sharma, and
two unknown persons. Sonu Sharma allegedly shot his father in
the abdomen, followed by gunfire from Mohan and Sanjay



Sharma, causing his death. The motive is said to be a dispute over the deceased's opposition to illegal trade allegedly run by Mohan Sharma, a local Mukhiya.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.01.2025. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is general and omnibus allegation against the petitioner. Learned counsel further submitted that the specific allegation of firing is against co-accused Sonu Sharma who shot fired in the stomach of the deceased due to which he died.

6. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner stating that as per the FIR, the petitioner along with other co-accused fired upon the deceased due to which he died and the same is also corroborated by the post-mortem report. Learned counsel for the informant further contended that trial is already in progress. Learned counsel for the informant relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan &**



Anr.), wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

7. Considering the aforesaid facts and circumstances of the case, present stage of trial as also the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

9. Learned Trial Court is directed to expedite the trial.

10. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of six months from today.

(Rudra Prakash Mishra, J)

Alok Verma/-

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