

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88930 of 2024

Arising Out of PS. Case No.-37 Year-2012 Thana- GOH District- Aurangabad

Shambhu Sharma Son of Late Raghunandan Sharma Resident of village-
Etawah P.S -Pauthu, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate
Mr. Devyani Shekhar, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-02-2025 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The present petition has been filed by the petitioner for
grant of bail in connection with Goh P.S. Case No. 37 of 2012,
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 434 and 427 of the Indian Penal Code, Section
27 of the Arms Act and Section 17 of the C.L.A. Act.

3. The prosecution story, in brief, is that all of sudden on
11.03.2012 at 11.50 P.M., 15 to 20 persons armed with
weapons arrived at the camp office of one M.D.L.Company,
whereafter they had taken the security personnel under their
control and switched off the generator. Further, the accused
persons are alleged to have taken out diesel from the vehicles



parked there, whereupon they had sprinkled diesel on the said vehicles and had burnt eight vehicles. They also said that since the proprietor of the Company had not paid them levy, hence, they have committed such occurrence and further they also instructed not to give information to the police. Lastly, they fled away raising slogan of M.C.C. Zindabad.

4. The learned counsel for the petitioner has submitted that the petitioner was taken into custody in the year 2011 and remanded in the present case on 29.09.2018, however, the incident in question had taken place on 11.03.2012, a day on which the petitioner was in custody, hence he cannot be said to be an accomplice of the accused persons, who had committed the aforesaid occurrence. It is further submitted that there is no whisper either in the case diary or in the charge sheet filed by the police that the petitioner had hatched a conspiracy while being in custody rather it has been stated that the name of the petitioner was revealed by the co-accused, namely, Mritunjay Mishra, in his confessional statement. Thus, it is submitted that apparently the petitioner is not having any complicity in the alleged occurrence. It is next submitted that though the petitioner is accused in three other cases but he is on bail in all the said three cases. Lastly, it is submitted that thirteen co-



accused persons have already been granted the privilege of bail by the Hon'ble High Court, as has been stated in paragraph no. 5 of the present petition, nonetheless, it is submitted that the case of the petitioner stands on a better footing.

5. *Per contra*, the learned APP for the State has opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that a general and omnibus allegation has been levelled against the accused persons, the petitioner is not named in the FIR, the petitioner was in custody on the date of occurrence, hence his complicity in the alleged occurrence is itself doubtful, apart from the fact that many co-accused persons have already been granted the privilege of bail, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

7. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Aurangabad, in connection with Sessions Trial No.



323/2023 / 92/2024 arising out of Goh P.S. Case No. 37 of
2012.

(Mohit Kumar Shah, J)

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