

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88954 of 2024

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

Sanjay Sharma Son of Late Julumdhari Singh Resident of Village- Bhagjoga,
P.S.- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
		Mr. Gaurav Prakash, Advocate
For the Opposite Party/s :		Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 11-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection
with Paliganj P.S. Case No. 292 of 2024, registered for the
offences punishable under Sections 103, 61(2) read with Section
3(5) of the B.N.S and Section 27 of the Arms Act.

3. As per the prosecution story in short is that on
the basis of a written complaint, it is alleged that co-accused
Chintu Pandey took away the informant's younger brother,
namely, Ravi Kumar for the name of some work and when his
brother did not return and his mobile was found to be switched
off, then informant Abhay Sharma proceeded on the way to
Bhagjoga Canal, where he saw that his brother was surrounded



by Ajit Kumar Sharma, Amrendra Kumar and two unknown persons. It is further alleged that the accused Ajit Kumar Sharma and his brother Amrendra Kumar shot from the pistol in their hands at informant's brother and they also tried to kill the informant, but he narrowly escaped.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has surfaced on the basis of confessional statement of his son, namely, Abhishek Kumar. Learned counsel further submits that from bare perusal of the First Information Report, it would be evident that there is no specific allegation of overt act against the petitioner and the very factum of the informant claiming him to be an eyewitness seems to be disputed. Learned counsel next submits that the allegation by the informant is of using pistol to kill his brother and which was said to have been kept by the co-accused Abhishek Kumar at his house with the help of his father, i.e., the present petitioner, is also falsify from the perusal of the post-mortem report which states "one death is due to cranio-cerebral injury caused by rifle firearm (Projectile-bullet) injury to the head...." Learned counsel also submits that petitioner is having clean antecedent.

5. Learned counsel for the informant as well as the



learned A.P.P. for the State has vehemently opposed the prayer for bail and has said that the petitioner had helped his son in hiding the weapon used in the said incident and further the petitioner is said to have shown away the said arm which was used in the incident. However, the same was not recovered from the house of the petitioner.

6. Considering the aforesaid submissions and the fact that the petitioner was not named in the FIR and there is no specific allegation against him and looking into the period of custody since 15.09.2024, I am inclined to grant the petitioner privilege of regular bail to the petitioner.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 court of learned S.D.J.M, Danapur, Patna/concerned court, in connection with Paliganj P.S. Case No. 292 of 2024.

(Sourendra Pandey, J)

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