

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26941 of 2026

Arising Out of PS. Case No.-301 Year-2025 Thana- PANCHRUKHI District- Siwan

Kamal Sharma @ Komal Sharma Son of Harishanker Sharma Resident of
Village - Gharthwalia, Police Station - Panchrukhi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP
For the O.P. No. 2	:	Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection
with Panchrukhi P.S. Case No. 301 of 2025 lodged on
27.06.2025, for the offence punishable under Sections 103(1) &
3(5) of the Bharatiya Nyaya Sanhita, 2023 and section 27 of the
Arms Act, pending in the Court of A.C.J.M.-IX, Siwan.

3. As per the prosecution, FIR has been lodged against
four named accused persons including the present petitioner. It
has been alleged in the FIR that the petitioner has fired upon the
informant by pistol on his right hand due to which, he fell down
and sustained injury. When the informant's brother came to



rescue, then accused Ankit Sharma fired from his revolver upon the informant's brother namely, Irshad Khan, due to which he fell down and died on the spot. Subsequently all the accused persons fled away by abusing the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner's side and the informant's side are close neighbours and admitted land dispute is going on between them. He submits that there is general and omnibus allegation against the accused persons. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are four cases pending against him and in all the cases, he is on bail.

5. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that as per the FIR, the allegation against the petitioner is that he has fired upon the informant, due to which, he fell down and sustained injury.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, if petitioner surrenders before the



concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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