

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22567 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -KISHUNPUR District- SUPAUL

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1. Ram Prasad Sharma Son of late Guneshwar sharma
2. Anand lal Sharma Son of Ram Prasad Sharma
3. Siken Sharma son of Ram Prasad Sharma
4. Umesh Sharma son of Ganpat Sharma

All resident of Village- Dumariya , Police Station and district
Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad
For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 302, 328, 120B of the Indian Penal Code.

The informant is the father of the deceased. In his
fardbeyan he has alleged that one Umesh Shama committed rape
on his daughter, Chandan Kumari, for which a Panchayati was
convened and it was decided to perform the marriage of his
daughter with said Umesh Sharma but the father of Umesh
Sharma refused to perform the marriage and started putting
pressure to compromise the case. Umesh Sharma called his
daughter at the place of Ram Pd. Sharma (petitioner no.1) and

after 15-20 minutes his daughter returned and disclosed that these petitioners administered poisoned tea on account of which she started losing her unconsciousness and in the same night she died.

It has been submitted on behalf of the petitioners that the petitioners have been falsely implicated in the present case. It has further been submitted that the petitioners have got no criminal antecedent. The main allegation of committing rape is against Umesh Sharma. There is no specific allegation against remaining petitioners. Charge sheet has been submitted for offence under Section 306 IPC.

On behalf of the State, it has been submitted that there is specific allegation against Umesh Sharma.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to Umesh Sharma, petitioner no.4 and the same is rejected.

Any how, if the petitioner no.4, Umesh Sharma, surrenders in the court below within a period of four weeks and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order of rejection.

Let the above named petitioner nos.1,2 and 3, namely, Ram Prasad Sharma, Anand Lal Sharma and Siken Sharma, in the

event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M.,Supaul in connection with Kishanpur P.S.Case No. 2 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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