

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35924 of 2014

Arising Out of PS.Case No. -591 Year- 2013 Thana -SUPAUL District- SUPAUL

1. Rajendra Sharma son of Late Baldev Sharma
2. Raghuni Sharma son of Late Baldev Sharma
Both R/o vill- Amaha, P.S. & District- Supaul..... Petitioners
Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. C. Jawahar (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-04-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Supaul P.S. Case No. 591 of 2013 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, co-accused Mukesh Sharma and Babita Devi talked with the son of the informant, namely, Ganesh Kumar Sharma and both called him and then, Ganesh Sharma went at village Amaha. In the night at 9:30 pm Ganesh Kumar Sharma talked with Kari Sharma but at 10:00 pm the mobile of Ganesh Kumar Sharma was found switched off and on the next date his dead body was found and accordingly, the informant alleged that his son has been killed by Mukesh Sharma, his wife Babita Devi and others. During investigation name of the petitioners have

come that they have also conspired with Mukesh Sharma and Babita Devi.

Submission is of false implication and that there is no direct or circumstantial evidence against the petitioners, independent witness Mahendra Yadav the Mukhiya of Gram Panchayat Amaha vide paragraph 84 of the case diary has stated that co-accused Mukesh Sharma has committed theft in the house of Raghuni Sharma and Rajendra Sharma and as such there was enmity between them, so question of making conspiracy by both with Mukesh Sharma does not arise and both have been falsely implicated.

Learned APP opposes the prayer of pre-arrest bail by submitting that investigation is still going on.

Considering that against the petitioners there is no direct or circumstantial evidence, at present, and they were not seen with the deceased prior to the occurrence and an independent witness is stating otherwise, as such, the petitioners above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection

with Supaul P.S. Case No. 591 of 2013, subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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