

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38901 of 2015

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

1. Sadanand Sharma S/o Late Deosunder Sharma Resident of Village Dhelaba, P.O. Simraha, P.S. Madhepura, District Madhepura.
2. Krishna Ballav Sharma S/o Damodar Sharma Resident of Village Galligachi, P.O. Durga Madhaili, P.S. Shankarpur, District Madhepura.

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Opposite Party/s : Mr. Akbar Ali(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-09-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

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

The prosecution case is based upon fardbeyan of one Mangal Sharma dated 10.12.2013, stating therein that on 09.12.2013 at about 7 P.M. his son namely, Ganesh Kumar Sharma was called upon his mobile No. 7631864620 by his cousin Sarhu, Mukesh Sharma and his wife Babita Devi, who asked him to come at their village- Amha, since some problem has occurred

in their family. When Ganesh Kumar Sharma went there by bicycle, at about 9 P.M., elder son of informant Kari Sharma talked with him on his mobile but at 10 P.M. when he again tried to talk, it was switched off. At about 11 A.M. on 10.12.2013, information came that near Amha village at Baghar (Bagh) a dead body is lying in field, on such information, informant with family and villagers went there and found dead body of his son Ganesh Kumar Sharma (deceased).

It is further alleged that Mukesh Sharma and Babita Devi along with unknown killed his son and concealed the dead body with soil at Bagh.

It has been submitted by the learned counsel for the petitioners that it is merely on suspicion that the petitioners have been roped in the aforesaid incident. It has further been submitted that the petitioner are not named in the F.I.R. and on the basis of suspicion, they have been falsely implicated.

It has further been submitted by the learned counsel for the petitioners that the FIR named accused persons, namely, Mukesh Sharma, Manish Sharma and Babita Devi have since been granted privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 48565 of 2014 dated 31.07.2015 and other similarly situated co-accused not named in the F.I.R. has also been granted

privilege of anticipatory bail in Cr. Misc. No. 35924 of 2014 dated 09.04.2015.I do not propose to take a different view.

Under such circumstances, in case of arrest or surrender within a period of four weeks in the Court below, the above named petitioners will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only)each with two sureties of the like amount each to the satisfaction of 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 Code of Criminal Procedure.

(Nilu Agrawal, J)

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