

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40603 of 2014

Arising Out of PS.Case No. -80 Year- 2014 Thana -GAMAHARIYA District- MADHEPURA

- =====
1. Munna Sharma S/o Bedi Lal Sharma
 2. Bablu Sharma S/o Bedi Lal Sharma
 3. Dilkhush Sharma S/o Domi Sharma All are resident of village-
Navtoliya, Panchayat- Bhelwa, Ward No-6, P.S.- Gamharia, District-
Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Rakesh Singh

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-03-2015 The prayer for anticipatory bail of the petitioner no.2
Bablu Sharma has already been dismissed as withdrawn by order
dated 14.11.2014.

Now, the petitioner no.1- Munna Sharma and the
petitioner no.3- Dilkhush Sharma apprehend their arrest in a
criminal prosecution registered under Sections 302/34, 307 and
some other allied offences under the Indian Penal Code.

It is submitted by the learned Senior counsel appearing
on behalf of the petitioners that so far the offence under Section
302 of the Indian Penal Code is concerned, in the F.I.R. vide
Annexure-1 there is specific allegation against co-accused Domi
Sharma for committing the crime in question of the deceased
Umda Devi, the mother of the informant. It is further submitted
that so far the offence under Section 307 of the Indian Penal Code
is concerned, the informant has not sustained any injury on his
person and the injury report has not been brought on record. It is
also pointed out that so far the petitioner no.1 and 3 are

concerned, the allegations against them are general and omnibus in nature. It is highlighted that the petitioners are first offenders and no other criminal case is pending against them.

Taking into consideration the aforesaid submissions, the prayer for anticipatory bail made on behalf of the petitioner no. 1- Munna Sharma and petitioner no. 3- Dilkhush Sharma is allowed. In the event of their arrest or surrender in the court below within a period of four weeks from today, they shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura in connection with Gamharia P.S. Case No. 80 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioners, and if such a petition is filed, then the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by

their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel their bail bonds.

(Birendra Prasad Verma, J)

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