

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20749 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -BELDAUR District-
KHAGARIA

- =====
1. Balkishun Sharma son of Late Shivpujan Sharma.
 2. Bidhan Sharma son of Jagdish Sharma
 3. Bipin Sharma @ Bipin Mistri, son of Kamleshwari Sharma All resident of village- Muskipur, Kothi, P.S.- Gogri, District- Khagaria.

..... Petitioner/s
Versus
1. The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.
For the Opposite Party/s : Mr. B.N. Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 06-07-2015 Heard both sides.

The petitioners apprehend their arrest in Beldaur P.S. Case No. 26/2015, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The informant alleged that his maternal uncle took his father but thereafter his father did not return. The dead body of his father was found on 7.02.2015.

It is submitted that the father of the informant became traceless on 02.02.2015 but the FIR was lodged after recovery of the dead body. Even during the course of investigation witnesses in para 23, 24 and 25 of the case diary disclosed that the petitioners were found carrying the deceased who was in unconscious state inside their house on 02.02.2015 but the deceased filed complaint case in Munger

Civil Court on 05.02.2015. The post-mortem report also shows that the deceased was killed within 24 hours of his post-mortem.

Further, it is submitted that there is absolutely no evidence against the petitioners.

Learned Additional P.P., on the other hand, submitted that the witnesses namely, Rupesh Kumar, Shankar Mistry and Sudhir Mistry have disclosed the entire fact about the killing of the father of the informant.

Considering the facts aforesaid and the fact that the maternal uncle Permanand Sharma of the informant took his father but thereafter his father did not return and the witnesses saw the petitioners carrying his father, his father was inside their house in unconscious state and the dead body of his father was recovered, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this Court.

(Prabhat Kumar Jha, J.)

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