

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6046 of 2016**

Arising Out of PS.Case No. -93 Year- 2010 Thana -KHAGARIA COMPALINT CASE District-  
KHAGARIA

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1. Dhananjay Sharma @ Dhananjay Kumar Sharma @ Dharvendra S/o  
Bhumi Sharma @ Bhubneshwar Sharma

2. Gananjay Sharma @ Gyananjay Sharma S/o Bhumi Sharma @  
Bhubneshwar Sharma Both are residents of Village - Pirnagra, P.S. -  
Beldaur, District - Khagaria.

.... .... Petitioners

Versus

1. The State of Bihar.

2. Babita Devi W/o Late Brajesh Poddar Resident of Village - Pirnagra,  
P.S. - Beldaur, District - Khagaria.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

2      24-02-2016                      Heard learned counsel for the petitioners and the learned  
  
Addl. Public Prosecutor for the State.

This application for grant of anticipatory bail arises out  
of Complaint Case No. 93C/2010, disclosing offences under  
section 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that initially  
Maheshkhut P.S.Case No. 127/2008 was registered against  
unknown. The police upon investigation submitted final report  
holding the case to be true, but no clue as regards perpetrator of  
the crime could be found. The report of the police was accepted by  
the learned Magistrate subsequently. The protest cum complaint

petition came to be filed implicating the petitioners. He submits that even in Solemn Affirmation of the complainant before the Magistrate, no eye witness has been mentioned.

Considering the facts and circumstances, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, 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 the Chief Judicial Magistrate, Khagaria in Protest cum Complaint Case No. 93C/2010, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

Surendra/-

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