

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2352 of 2017

Arising Out of PS.Case No. -31 Year- 2013 Thana -KHUDWAN District- AURANGABAD

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1. Bijendra Sharma, Son of Ramchandra Sharma,
2. Chitranjan Sharma @ Munna, S/o Bijendra Sharma, Both are Resident
of Village and Police Station- Khudwan, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 10-02-2017 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Khudwan P.S. Case No. 31 of 2013 registered under Sections
147, 148, 149, 341, 323, 504, 307 and 302 of the Indian Penal
Code.

The accusation is that in course of returning of
Arunjay Sharma, brother of informant, from Khalihan, five
persons name in the F.I.R. including the petitioner surrounded him
armed with gun and started to make firing. In the meantime,
petitioner no. 2, Chitranjan Sharma @ Munna shot fire at the
brother of the informant, who fell down and died.



Learned counsel for the petitioners submits that both petitioners are named in the F.I.R. but on investigation the police submitted final form against them while the learned Magistrate differing with the final form and took cognizance against them. It is further submitted that it would appear from the F.I.R. that only firing of petitioner no. 2 hit the deceased and only injury of one fired shot was found on the person of the deceased whereas petitioner no. 1 being the father of the petitioner no. 2 has falsely been implicated in this case due to ulterior motive.

Having regard to the facts and circumstances of the case, let the above named petitioner no. 1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Khudwan P.S. Case No. 31 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

As far as petitioner no. 2, Chitranjan Sharma @ Munna, is concerned, having considered and the nature of allegation against him, I am not inclined to grant anticipatory bail to the petitioner no.2. Accordingly, his prayer for grant of



anticipatory bail stands rejected. The petitioner no.2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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