

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53488 of 2016

Arising out of

Criminal Miscellaneous No. 22002 of 2016

Arising out of

P.S. Case No. 320 Year 2015 Thana Hilsa Distt. Nalanda (Biharsharif).

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1. Ajay Sharma @ Ajay Kumar Sharma, Son of Late Rajdeo Singh,
2. Raj Kumar Sharma @ Gappu,
3. Mulur Sharma @ Mulur Kumar,
Both Petitioner No. 2 and 3 sons of Ajay Sharma @ Ajay Kumar Sharma
4. Siyamani Devi, W/o Ajay Sharma @ Ajay Kumar Sharma,
All residents of village - Momindpur, Police Station Hilsa, District -
Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ram Narayan Jha, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2017 Heard both sides.

The petitioner filed this petition for modification of the order dated 14.09.2016 passed in Cr. Misc. No. 22002/2016 by which the prayer for anticipatory bail of the petitioners was rejected.

Earlier the prayer for anticipatory bail of the petitioners was rejected vide order dated 09.11.2015 passed in Cr. Misc. No. 40795/2015. It was submitted on behalf of the petitioners that the police, after investigation, submitted final form finding the case false against the petitioners in Hilsa P.S. Case No. 320 of 2015 but the A.C.J.M. took cognizance under Sections 302



and 34 of the Indian Penal Code but it is submitted today that the investigation officer did not submit final form in Hilsa P.S. Case No. 320/2015. It is still under investigation. The investigating officer submitted final form finding the case false in Hilsa P.S. case No. 381/2015 which was registered on the basis of the Complaint Case no. 502C/2015 filed by Ram Vinod Sharma, the father of the deceased, making the widow and other relations of the widow as accused for murder of Sanjay Sharma. The police, after investigation of Hilsa P.S. Case No. 381/2015, submitted final form in which cognizance was taken by the A.C.J.M., Hilsa after differing with the finding of the investigation officer. Accordingly, the second para of the order dated 14.09.2016 passed in Cr. Misc. No. 22002/2016 be read as above.

This modification petition is accordingly disposed of.

(Prabhat Kumar Jha, J)

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