

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5374 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -KADWA District- KATIHAR

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Kameshwar Sharma, son of Labru Sharma, resident of Village- Pakaria,
Police Station- Balia Belon, District- Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-03-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Kadwa (BB) P.S. Case No. 301 of 2016 for the offences
instituted under Sections 302 of the Indian Penal Code.

The prosecution case, in brief, is that co-accused
Ramesh Sharma lost his cool and pushed the daughter of the
informant on the ground, as a result of which, she sustained injury
and later on died.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner has falsely been implicated in the present case. There is



no eyewitness to the occurrence nor the informant is an eyewitness to the alleged occurrence. Except for the vague allegation, there is no other substantive evidence to suggest his implication in the present case. The petitioner is not named in the F.I.R.

On behalf of the State, it has been submitted that the name of the petitioner has come in course of investigation. The injury has been caused upon the deceased by the petitioner, which is evident from the case diary.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail of petitioner is rejected in connection with Kadwa (BB) P.S. Case No. 301 of 2016, pending in the court of learned C.J.M., Katihar.

If the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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