

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29878 of 2017

Arising Out of PS.Case No. -316 Year- 2013 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

- =====
1. Kanhaiya Sharma, son of late Bishwanath Sharma, resident of mohalla - Marwari Tola, Police Station - Kotwali, District – Bhagalpur,
 2. Deepak Bhuwania @ Deepu Bhuwania @ Deepak Kumar Bhuwania, son of Sitaram Bhuwania, resident of mohalla - M.P.D. Road, Gausala, Police Station - Kotwali, District – Bhagalpur,
 3. Sanjay Kumar Kaushik @ Sanju @ Sanjeev Kumar, son of Om Prakash Kaushik, resident of mohalla - Choudharitola, Police Station - Kotwali, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 11-07-2017

Learned counsel for the Petitioners seeks permission

to make necessary correction with regard to Sections of the Penal Code. Prayer is allowed.

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Kotwali (Bhagalpur) P.S. Case No.316 of 2013 instituted for the offence under Section(s) 302, 201/34 and 120-B Indian Penal Code.

It is alleged in the written report that dead body of Om Prakash Baba was recovered from a *Dharamshala*. Thereafter, UD case was instituted and the Post Mortem Report



revealed that death has been caused on account of asphyxia. Then, the present case was registered and the police after investigation submitted Final Form and did not sent up this petitioner for trial. Thereafter, by order dated 27.09.2016 cognizance of the offence was taken against the petitioners.

It has been submitted that other co-accused with similar allegation have already been granted bail by co-ordinate Benches of this Court vide Annexure-5 series.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Kotwali (Bhagalpur) P.S. Case No.316 of 2013, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond



of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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