

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49684 of 2017

Arising Out of PS.Case No. -241 Year- 2017 Thana -ARARIA District- ARRARIA

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1. Vijay Sharma
2. Ajay Sharma
Both are Sons of Ganpat Sharma
3. Ganpat Sharma S/o Shibu Sharma
All are resident of Village-Visariya, P.S.-Korha, District-Katihar.
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP
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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Araria P.S. Case No.241 of 2017 registered under Sections
302 and 201 read with 34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that it
is a case based on hypothetical presumption and wild suspicion.
He submitted that except the statement of one Moni Kumari
wife of petitioner no.1 as recorded in para 8 of the case diary,
there is no other material in the case diary to connect the
petitioners with the alleged offence.



On the other hand, learned counsel for the State submitted that it is a case of strong circumstantial evidence. The wife of petitioner no.1 has categorically stated that there was strained relationship between the deceased and the petitioners were on the fateful date, on the pretext of offering party, they took him away and immediately after sometime his dead body was found at a nearby place and the doctor, who conducted the post mortem examination, found that the death was caused due to strangulation.

Regard being had to the incriminating materials collected during investigation against the petitioners who have been made named accused in a case under Section 302 of the Indian Penal Code, I am not inclined to grant them pre-arrest bail. Accordingly, their prayer for pre-arrest bail is rejected.

In case the petitioners surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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