

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10725 of 2017**

Arising Out of PS.Case No. -240 Year- 2015 Thana -BAKHTIARPUR District- SAHARSA

- =====
1. Laldeo Sharma, Son of Late Bhola Sharma.
  2. Suraj Sharma, Son of Laldeo Sharma. Both are Resident of Ward No. 6, Simri Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar
- .... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      29-03-2017                      Heard learned counsel for the petitioners and  
  
learned Additional Public Prosecutor, for the State.

The petitioners are languishing in judicial custody since 3.1.2017 in connection with Bakhtiyarpur P.S. Case No. 240 of 2015 for offence alleged under Section 364/34 of the Indian Penal Code.

The prosecution case, as alleged by the informant Malchain Devi is that her husband had gone along with the petitioners and others for doing labour work in Shimla but while all the persons returned home her husband did not return. It is alleged that her husband was along with the petitioners and one Lalo Paswan.

It has been submitted by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the aforesaid case. He submits that the informant's husband had gone to work out of his own will and



has not returned. So, being a major, the aforesaid Sections are not applicable against the petitioners. It has further been submitted that charge sheet has already been submitted and hence, there is no chance of tampering with the prosecution evidence and the petitioners have themselves surrendered before the learned court below.

However, learned A.P.P., for the State, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 240 of 2015 subject to the conditions that the petitioners will appear before the court below during trial and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

**(Nilu Agrawal, J)**

S.Pandey/-

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