

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1372 of 2017

Arising Out of PS.Case No. -157 Year- 2012 Thana -SARAIYA District- MUZAFFARPUR

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1. Rakesh Kumar Sharma @ Phool Babu, Son of Shivendra Kumar Sharma.
 2. Sushil Kumar, Son of Nitya Nand Sharma. Both resident of Village and P.O. Kamalpura, P.S. Paroo, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Saraiya P.S. Case No. 157 of 2012 registered for the offence punishable under Sections 120(B), 328, 302/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the occurrence was taken place on 30.04.2012, whereas complaint case was lodged on 09.05.2012, the delay caused in lodging the complaint itself contradicts the allegation leveled against the petitioners. Admittedly, in this case final form was submitted vide annexure-3 after completion of the investigation. In the F.S.L.



report, no poisonous substance was found in viscera of the deceased and cognizance has been taken deferring with the view of the investigation officer. Moreover, co-accused having more or less similar allegation have already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 2630 of 2017. Hence, these petitioners also deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Ten Thousand rupees only) each with two sureties of the like amount each to the satisfaction of S.D..J.M., West Muzaffarpur in connection with Saraiya P.S. Case No. 157 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Arvind Srivastava, J)

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