

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25288 of 2017

Arising Out of PS.Case No. -167 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

- =====
1. Shambhu Sharma, Son of Amla Thakur, Resident of Village-Kritpura, P.S. Baikunthpur, District-Gopalganj.
 2. Sunil Sharma, son of Amla Thakur, resident of village-Kritpura, P.S.- Baikunthpur, District- Gopalganj.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioners and

learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Baikunthpur P.S. Case No.167 of 2016, registered for the offence punishable under Sections 323 and 302/34 of the Indian Penal Code.

From the F.I.R. it appears that accused persons have approached the victim to sell his land to them, but he refused to do the same and on that account some altercation took place between them and accused-Basant Kumar Sharma caused injury on the head of the victim by brick, as a result of which, he died.

The case diary has been received. The inquest report



itself shows that the victim received the head injury, no other injury was found by the police. The statement of the wife of the deceased also indicates that Basant Kumar Sharma has assaulted by brick on the head of the deceased, on that account the blood started coming down and he was declared dead. The daughter of the deceased, witness no.4 has also made specific allegation against Basant Kumar Sharma. Witness nos. 5 and 6 have also given their statements in same and similar manner. There is no specific allegation against the petitioners.

Looking to the aforesaid facts, let the petitioners, namely, Shambhu Sharma and Sunil Sharma, be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the A.C.J.M.-III, Gopalganj, in connection with Baikunthpur P.S. Case No.167 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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