

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57202 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -PURNAHIYA District- SHEOHAR

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1. Kamlesh Sharma S/o Jaymangal Sharma, R/o Village- Basantpatti, P.S.-
Purnahiya, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-01-2018 Heard both sides.

The petitioner apprehends his arrest in Purnahiya P.S.
Case No.62 of 2017 registered under Sections 386, 387, 389, 427,
436 and other Sections of the Indian Penal Code.

The informant alleged that Kishan Das died in a
motorcycle accident and the people brought the dead body of
Kishan Das and kept his body on the road in order to extort
money. Many villagers at the instance of Pawan Singh, Sarpanch
assembled and started demolishing the house of the informant and
also set the same ablaze.

The learned counsel for the petitioner submits that the
petitioner is of course named in the F.I.R. but no specific
allegation is made against the petitioner. Kishan Das was dashed
by the motorcycle driven by the son of the informant and Kishan
Das died for which Purnahiya P.S. Case No.60 of 2017 was



registered against the son of the informant. The villagers made protest but the petitioner has falsely been implicated in the case at the instance of the police. It is further submitted that similarly situated co-accused Rajesh Sah whose name appears at Sl. No.5 has already been granted anticipatory bail vide order passed in Cr. Misc. No.60130 of 2017.

Considering the facts aforesaid that petitioner is named in the F.I.R. but no specific allegation is made against the petitioner and the son of the informant is an accused in Purnahiya P.S. Case No.60 of 2017, in which Kishan Das got injury on account of rash and negligent driving of the motorcycle by the son of the informant, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sheohar in connection with Purnahiya P.S. Case No.62 of 2017(G.R. No.543 of 2017), subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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