

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10623 of 2018

Arising Out of PS.Case No. -592 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Radha Sharma @ Radhe Sharma, Son of Late Chhagan Sharma
2. Satish Kumar @ Chattish Kumar Sharma, Son of Harilal Sharma,
Both Resident of village- Morkahi, Ward No. 8, Sulindabad, P.S. &
District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate.
Mr. Hemant Kumar Sharan, Advocate.
For the informant : Mr. Subesh Sharma, Advocate.
For the State : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 20-06-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend their arrest in **Saharsa P.S.**
Case No. 592 of 2017 instituted for the offence under Sections
302, 201 and 120(B) of the Indian Penal Code.

In the written report it is alleged that the informant
received information by police that one dead body is lying at
Saharsa Sadar Hospital. The informant went there and found the
dead body of his elder brother Binod Sharma. The informant has
raised suspicion against the petitioners of committing the murder
of his brother due to land dispute.



Learned counsel for the informant on last date of hearing of the bail petition on 29.03.2018 has pointed out that two cases are pending against the petitioners which have not been mentioned in paragraph-3 of the bail petition.

A supplementary affidavit has been filed on behalf of the petitioners wherein it has been stated that total three cases are pending. In one of the case vide Saharsa Sadar P.S. Case No. 127 of 2000 the petitioner No. 1 along with the deceased was accused. In Saharsa Sadar P.S. Case No. 756 of 2015 petitioner No. 1 was accused which is counter case of Saharsa P.S. Case No. 755 of 2015 lodged by brother of petitioner No. 1. The petitioner No. 1 is accused in Saharsa Sadar P.S. Case No. 525 of 2016, which has been lodged for bailable offence.

From the written report itself it appears that mere suspicion has been raised against the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Saharsa P.S. Case No. 592 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **Sri S.K.**



Modi, learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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