

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35810 of 2019**

Arising Out of PS. Case No.-53 Year-2018 Thana- KORMA District- Sheikhpura

1. Shishupal Kumar, son of Sri Dinesh Sao, Resident of Village - Mahammadpur, P.O. - Mankatha, P.S.- Korma, District - Sheikhpura.
2. Anandi Saw @ Anandi Kumar, son of Sri Naresh Sao, Resident of Village - Mahammadpur, P.O. - Mankatha, P.S.- Korma, District - Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hemant Kumar Karan

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      04-06-2019                      Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Korma P.S. Case No.53 of 2018 registered for the offences punishable under Sections 147, 148, 149, 448, 354(B), 504, 380 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of Explosive Act.

The allegation against the petitioners is that the petitioners along with co-accused having armed with weapons entered into the house of informant and co-accused Pankaj Kumar dumped his Bhabhi, Rita Devi, with bad intention and fired upon her which hit on her thigh and accused Rajendra Sao



hurled bomb upon him which did not hit him and they looted the ornaments and cash Rs.1 lakh and on hulla they fled away by making fire and exploded bomb and Rita Devi succumbed to fire arm injury in the way when she was being brought for treatment in hospital.

It has been submitted by learned counsel for the petitioner that the petitioners have been falsely implicated in the present case and there is no overt act. There is no specific allegation against the petitioner in the First Information Report. The police after investigation submitted final form in favour of the petitioners inasmuch as the petitioners have not been sent for trial, however, the learned Magistrate has differed with the police report and has taken cognizance under the aforesaid Sections by order dated 18.12.2018.

After having heard learned counsel for the parties, I am inclined to grant anticipatory bail to all the petitioners inasmuch as during investigation, no material came against the petitioners connecting them with the present offence. Accordingly, the petitioners are directed to surrender before the Court below within a period of four weeks and in the event of their surrender, petitioners 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 the learned Chief Judicial Magistrate, Sheikhpura, subject to the condition that : -

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

**(Anil Kumar Sinha, J)**

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