

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67303 of 2019

Arising Out of PS. Case No.-65 Year-2018 Thana- GOPALGANJ TOWN District- Gopalganj

BABULAL SHARMA Son of Ramgulam Sharma Resident of Village -
Barauli Ward No. 9, P.S.- Barauli, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Satyavrat Verma

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-11-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner apprehends his arrest in connection
with Gopalganj Town P.S. Case No.65 of 2018 registered under
Sections 302 and 120(B)/34 of the Indian Penal Code.

The accusation is that Birendra Yadav, the father of
the informant Manoj Kumar Yadav, along with his friend Ajay
Patel had gone for morning walk in the morning of 13.02.2018
at about 05.30 P.M. At about 07.00 A.M., the informant received
information from his villagers about the murder of his father
and Ajay Patel at Sadhu Chowk, then the informant along with
his family members and villagers went there, and saw the dead



bodies of his father and Ajay Patel. The informant raised suspicion about having hand of unknown persons in the murder of his father and Ajay Patel under conspiracy.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that while the information was received by the informant at about 07.00 A.M. in the morning regarding the murder of his father and Ajay Patel but he gave his fardbeyan to the police station at about 11.30 A.M., on the basis of which the present case was lodged against unknown. Later on, Sanaha of Neetu Devi, wife of the deceased Ajay Patel, was received by the police on 14.02.2018, in which she claimed to be eye witness of the occurrence, stating that she was behind Birendra Yadav and her husband Ajay Patel in course of their morning walk and saw that Ganesh Chaurasia gave an order to others to kill them upon which Dilip Chaurasia gave hammer blow at the head of her husband and this petitioner caused injury to Birendra Yadav through hammer on his head but she could not inform the police due to nervousness, while she also participated in the last ceremony of her husband. Later on, the informant also filed Protest Petition on 04.12.2018 regarding the same fact. In fact, no one had seen the actual occurrence but, later on, with the collusion of the police, the informant got



managed to take the Sanaha of Neetu Devi, wife of the deceased Ajay Patel, and implicated the petitioner and others in this case.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, District-Gopalganj, in connection with Gopalganj Town P.S. Case No.65 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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