

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7180 of 2020

Arising Out of PS. Case No.-507 Year-2019 Thana- BIHTA District- Patna

-
1. AJAY SHARMA S/o Late Jugal Sharma R/o village- Nathupur, P.S.- Bihta, District- Patna
 2. Rama Shankar Sharma @ Ratan Sharma S/o Ajay Sharma R/o village- Nathupur, P.S.- Bihta, District- Patna
 3. Praduman Kumar @ Tullu Sharma @ Tullu Kumar S/o Ajay Sharma R/o village- Nathupur, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Harsh Singh, Advocate
For the Opposite Party/s : Mr Ajay Kumar Jha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 02-07-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

At the very outset, Mr Harsh Singh appearing for the petitioner submits that, under very unusual circumstances, due to inadvertence based on utilizing the wrong *vaklatnama*, prayer has been made on behalf of petitioner No 1 for grant of



anticipatory bail. In fact, petitioner No 1 had already made an application for grant of anticipatory bail separately. Cr Misc No 3983 of 2020 filed by petitioner No 1 has been allowed on 03.03.2020. In the circumstances, he submits that prayer for anticipatory bail in respect of petitioner No 1 be permitted to be withdrawn.

Prayer for withdrawing the application for anticipatory bail on behalf of petitioner No 1 is allowed.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Bihta Police Station (for brevity, *PS*) Case No 507 of 2019 instituted for the offence punishable under Section (s) 304, 201/34 of Indian Penal Code.

Informant's brother had been missing and, therefore, the informant made search of his brother. Seeing the dead body in the maize field of petitioner No 1, the informant along with the police are alleged to have recovered the dead body.

Mr Harsh Singh appearing for the petitioner submits that it is apparent that the maize field was bounded by electric wires for the purpose of protecting it. No motive or prior dispute has been mentioned in the first information report. Entire



prosecution is based merely on suspicion of the informant. Petitioner No 1, who is the owner of the maize field, has already been allowed anticipatory bail. Petitioners No 2 and 3 are sons of petitioner No 1.

Learned APP has opposed the prayer for bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Danapur in connection with Bihta PS Case No 507 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each



date and if they fail to do so on two consecutive dates, their bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

