

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85547 of 2019

Arising Out of PS. Case No.-234 Year-2019 Thana- PALIGANJ District- Patna

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1. Krishnakant Sharma @ Shambhu Sharma, male, aged about 40 years, S/o Late Awadh Sharma @ Late Ram Awadh Sharma @ Awadh Sharma, Resident of Bharmesar, P.S.- Paliganj, District- Patna.
 2. Srikant Sharma @ Shambhu Sharma, aged about 53 years, S/o Late Awadh Sharma @ Late Ram Awadh Sharma @ Awadh Sharma, Resident of Bharmesar, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 15-06-2020 Heard Mr. Patanjali Rishi, learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Paliganj P.S. Case No. 234 of 2019, dated 05.07.2019, instituted for the offences under Sections 328, 302 and 34 of the Indian Penal Code.



It has been urged on behalf of the petitioners that though the allegation against them is of having poisoned the deceased, but there is a strong reason for such false implication. The deceased had sold some land to the petitioners which was not to the liking of the informant, who is the nephew of the deceased.

Mr. Patanjali Rishi, learned Advocate for the petitioners has argued before this Court that the sons of the deceased have not come forward to lodge any case against the petitioners. Apart from this, it has been stated that there has been a ten days' delay in sending the F.I.R. to the Court of the Chief Judicial Magistrate for his endorsement. He, therefore, submits that the only necessary inference in this case would be that the F.I.R. is antedated. Apart from this, in the case diary, one telephone recording also has been obtained which indicates that the deceased had a talk with his sister prior to his death. The aforesaid audio-tape has not yet been deciphered. Thus, it been argued that there are no cogent materials for connecting the petitioners with the offence except for the informant having seen the



petitioners running away from the house of the deceased and the deceased being immediately thereafter found to be in an uncomfortable situation and the deceased telling his nephew that he has been poisoned by the petitioners.

However, these grounds do not weigh with this Court for grant of anticipatory bail to the petitioners, who have been named in the F.I.R. by the informant, who was told by the deceased himself that the petitioners had poisoned him.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek regular bail, the Court below shall consider the case on its own merits without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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