

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86144 of 2019

Arising Out of PS. Case No.-76 Year-2017 Thana- KORMA District- Sheikhpura

-
1. Suresh Yadav, Son of Late Ram Khelawan Yadav, Resident of Village-Chunnipur, Police Station-Korma, District-Sheikhpura.
 2. Ram Pravesh Yadav, Son of Motho Yadav @ Bhaso Yadav @ Trilokh Yadav, Resident of Village-Chunnipur Police Station-Korma, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 26-02-2020 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.76 of 2017, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners along with other accused persons assaulted with rod upon the chest, back and face of one Shaligram Sharma (deceased) and threw his dead body in a field. It has further been stated that some persons have seen the occurrence.

Mr. Bipin Kumar, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as the police investigated the matter and



after thorough investigation, police has submitted final form not sending the petitioners for trial. Learned counsel further submits that the police has filed chargesheet against two persons who were not named in the first information report, however, learned counsel submits that the learned Magistrate has differed with the police report and has taken cognizance against the petitioners.

On the other hand, learned counsel appearing for the State vehemently opposes the prayer for anticipatory bail and submits that from perusal of the first information report, it is apparent that there is eye witness to the offence committed by these petitioners and others and learned Magistrate found the material against these petitioners and has differed with the police report and has taken cognizance against them also.

After having heard learned counsel for the parties and taking into consideration the fact that the police after investigation has submitted final form not sending these petitioners for trial, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender



by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sheikhpura, in connection with Korma P.S. Case No.76 of 2017, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

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

