

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81019 of 2019**

Arising Out of PS. Case No.-145 Year-2017 Thana- SURYAGARHA District- Lakhisarai

JANARDAN SHARMA @ JANARDAN SINGH Son of Late Kitar Sharma
Resident of Village - Rampur, P.S.- Suryagarha, Distt - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

5 22-03-2021 Heard Mr. Arun Kumar, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Suryagarha P.S. Case No. 145 of 2017 dated 02.07.2017 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The petitioner is the informant of the present case.

It has been alleged by him in the FIR that his brother, who had become a recluse, was killed by some of the named accused persons. In the FIR, specific accusation has been levelled by the petitioner against the accused persons. However, after a protracted



investigation, it was found that the accusation hurled the petitioner is absolutely false and the needle of suspicion, during the course of investigation, veered towards the informant (petitioner) only. Final report false, therefore, was submitted with a note that there could be involvement of the petitioner in the present case.

Learned counsel for the petitioner has submitted that if at all the accusation levelled by the informant/petitioner against the accused persons of this case was found to be false, the petitioner could have at best been prosecuted under Section 182 and 211 of the Indian penal Code.

Not doing so and recommending for prosecution the petitioner in the instant case on the basis of suspicion is highly unwarranted.

Apart from this, learned counsel for the petitioner has submitted that from the entire investigation papers, no material could be gathered which could lend credence to the opinion of the investigator that the petitioner could have had his hand in the killing of the deceased.

Thus, the prosecution of the petitioner in this case is based only on suspicion and nothing else.

On the report so submitted by the police under



Section 173 Cr.P.C., cognizance has been taken against the petitioner.

Hence the necessity of filing of this anticipatory bail petition.

Considering the fact that there is no material in the investigation papers pointing towards the complicity of the petitioner in the killing of the deceased, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha P.S. Case No. 145 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, the petitioner is cautioned that in case of the petitioner not participating in the proceedings of the case, his anticipatory bail order would be rendered liable to be cancelled.

(Ashutosh Kumar, J)

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