

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6368 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- PARWALPUR District- Nalanda

1. Anil Sharma Son of Late Kameshwar Singh Resident of Village - Sonchari, P.s.- Parwalpur, Dsitt.- Nalanda.
2. Niraj Kumar Son of Anil Singh @ Anil Kumar Resident of Village - Rame Kahuwara, P.s.- Nardiganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lakshmi Kant Sharma, Advocate.
For the State	:	Mr. Jharkhandi Upadhyay, APP.
For the informant	:	Mr. Anil Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-03-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard the parties.

The petitioners pray for grant of anticipatory bail in connection with Parwalpur P. S. Case No. 148 of 2021 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The petitioners are non else but the father and the brother of the deceased and due to property dispute they have killed the deceased.

It has been argued by the learned counsel for the petitioners that this occurrence has taken place because of the land dispute and there is case and counter case and it is the



deceased who was responsible for the occurrence and he had also fired in which a person has sustained injuries. There is a partition suit also pending.

The learned counsel for the informant has also appeared and opposes the prayer for grant of the anticipatory bail particularly in the case where the deceased was the son of the petitioner no. 1 and brother of petitioner no. 2

In the opinion of this Court, there is direct evidence against the petitioners of killing their own family members as such, they do not deserve anticipatory bail.

In view of the above, this is not a fit case of grant of anticipatory bail. It is, accordingly, dismissed.

The findings recorded in this order are only for the purposes of considering the anticipatory bail and this should not be relied upon by the trial court during the trial.

The petitioners are directed to surrender in the court below within four weeks and pray for regular bail. When they surrender in the time fixed, the Court below shall consider the fact that they are not assailants of the deceased.

(Sandeep Kumar, J)

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