

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23861 of 2022

Arising Out of PS. Case No.-131 Year-2019 Thana- SIKTI District- Araria

1. Gulabchand Sharma Son Of Chatranand Sharma R/O- Village- Bauka Aamgachhi P.S.- Sikty Dist.- Araria
2. Arun Sharma Son Of Chtranand Sharma R/O- Village- Bauka Aamgachhi P.S.- Sikty Dist.- Araria
3. Manoj Sharma @ Manoj Kumar Sharma Son Of Gulabchand Sharma R/O- Village- Bauka Aamgachhi P.S.- Sikty Dist.- Araria
4. Anita Devi Wife Of Gulabchand Sharma R/O- Village- Bauka Aamgachhi P.S.- Sikty Dist.- Araria
5. Devan Mandal @ Devanand Mandal Son Of Mahanand Lal R/O- Village- Bauka Aamgachhi P.S.- Sikty Dist.- Araria

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-11-2022 Heard learned counsel for the petitioners, the informant and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302/120B and other allied sections of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on suspicion. He submits that the petitioner no.1 happens to be father of one Purnima Kumari with whom informant's son was in love affair. It is submitted that one day informant's son became traceless and after sometime bone pieces of human body was recovered from bamboo clump, which is 1 kilometer away from the informant's house. It is



further stated that half pant of the petitioner was also recovered from that place with mobile phone and old SIM card. He submits that save and except suspicion, no other tangible evidence has been collected during course of investigation to suggest the implication of these petitioners in the present case. It is further submitted that FIR has been lodged after a year of the victim becoming traceless and there is no plausible explanation of delay which itself creates doubt over the veracity of prosecution case. Petitioners have got no criminal antecedent.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail.

Considering the nature of allegation against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Court of Sub Divisional Judicial Magistrate Araria in Sikty Police Station Case No. 131 of 2019, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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