

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26960 of 2022**

Arising Out of PS. Case No.-2533 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. LOKESH SHARMA Son of Jai Ram Prasad Sharma Resident of Village - Gokulpur, P.S.- Harnaut, District - Nalanda and Presently residing at Bara Nimdih, Near Scout School, Chaibasa, P.S.- Chaibasa, District - West Singhbhum (Jharkhand).
  2. Mohit Sharma Son of Jai Ram Prasad Sharma Resident of Village - Gokulpur, P.S.- Harnaut, District - Nalanda and Presently residing at Bara Nimdih, Near Scout School, Chaibasa, P.S.- Chaibasa, District - West Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Nihar Nandan Ambasta     |
|                          | : | Mr. Praveen Kumar, Adv       |
| For the Opposite Party/s | : | Mr. Uma Shankar Prasad Singh |

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      17-10-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Complaint Case No. 2533 (c) of 2018 instituted for the offence under Sections 325, 307, 302, 34 of the Indian Penal Code.

As per allegation in the FIR, sister of the petitioners was married to the son of the complainant and since last four years they are living separately. On several occasions, deceased



went to her home to bring her but she always refused. It is further alleged that on 28.04.2018 deceased again went to his in-laws house to bring his wife but there he was brutally beaten up by the petitioners to which deceased narrated to his father, the complainant. While his treatment was going on at IGIMS, Patna, he died.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. In fact husband of the sister of the petitioners died a natural death due to prolonged illness. There is no eye witness to support the prosecution case. FIR has been lodged after a delay of a month. As per death certificate, issued by IGIMS, Patna, doctor has disclosed cause of death due to traumatic quadriplegia due to dislocation of C5 vertebra, respiratory failure. Similarly situated co-accused has already been granted bail vide order date 11.08.2022 passed in Cr. Misc. No 9207 of 2022.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The



petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 2533 (c) of 2018, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 4<sup>th</sup> Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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