

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14004 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- THARTHARI District- Nalanda

1. ARUN SHARMA @ ARUN SINGH Son of Late Chandrika Singh Resident of Village - Narayanpur, P.S.- Tharthari, District - Nalanda.
2. Shankar Singh @ Ravi Shankar Sharma Son of Arun Singh @ Arun Sharma Resident of Village - Narayanpur, P.S.- Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, all the accused persons named in the F.I.R. including the petitioners and some unknown persons have committed the murder of son of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is the occurrence took place



on 02.05.2022 but the F.I.R. lodged on 04.05.2022 after a delay of two days and there is no any explanation of it which creates serious doubt about prosecution case. He submits that there is no evidence against the petitioners only on suspicion the petitioners have been accused in the present case. He further submits that during the course of investigation police has found the occurrence as a case of accident and that is why Dy.S.P. Hilsa has found the case true under Section 304/34 of the Indian Penal Code. He submits that petitioner no.1 is an old man aged about 74 years and suffering from so many old age difficulties. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits the investigation is still going on. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.2 on bail in connection with Tharthari P.S. Case No. 70 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. Considering the age of the petitioner no.1, let the petitioner no.1, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Tharthari P.S. Case No.70 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. However, if the petitioner no.2 surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that one of the co-accused has already been granted regular bail.

(Anjani Kumar Sharan, J)

ajay/-

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

