

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28215 of 2023

Arising Out of PS. Case No.-359 Year-2020 Thana- ARARIA District- Araria

1. RUBI DEVI Wife of Sri Akhilesh Sharma Resident of village-Bochi, Police Station-Araria, District-Araria
2. BHOLA KUMAR Son of Sri Akhilesh Sharma Resident of village-Bochi, Police Station-Araria, District-Araria
3. LAKHAN KUMAR Son of Sri Akhilesh Sharma Resident of village-Bochi, Police Station-Araria, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 1 is a woman.

4. The informant alleges that her husband on 09.05.2020 at 06:00 PM had gone to see the land, thereafter, informant called him on his mobile at 10:00 PM, when he



informed that he will come after some time, but did not return and in the morning his dead body was found having mark of injuries, thus, alleges on basis of suspicion that petitioners along with Akhilesh Sharma has killed her husband as Akhilesh Sharma earlier had threatened him that he will kill him.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that police after investigation submitted Final form in favour of the petitioners finding the case to be false, but the learned Trial court in a mechanical manner based on the same set of allegations took cognizance of the offence thus the petitioners apprehend their arrest. It is next submitted that Akhilesh Sharma was arrested and he was granted Regular Bail by order dated 26.07.2021 in Criminal Miscellaneous No. 15140 of 2021 by a learned Co-ordinate Bench. Learned counsel further submits that when one Investigating Agency has found the petitioners to be innocent, would it prudent to send them to jail at this stage.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Araria P.S. Case No. 359 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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