

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31076 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- FESHAR District- Aurangabad

1. SHAIENDRA KUMAR @ SHAIENDRA SINGH SON OF LATE RAMANUJ SHARMA R/O-MURHARI, P.S.-PALI, DISTT.-JEHANABAD
2. ANJU SHARMA WIFE OF SHRI SHAIENDRA KUMAR @ SHAIENDRA SINGH R/O-MURHARI, P.S.-PALI, DISTT.-JEHANABAD
3. KAJAL KUMARI DAUGHTER OF SHRI SHAIENDRA KUMAR @ SHAIENDRA SINGH R/O-MURHARI, P.S.-PALI, DISTT.-JEHANABAD

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sanjay Kumar, Advocate Mr. Mithilesh Prasad Sharma, Advocate
For the Informant	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Santosh Kumar Pandey, Advocate
For the State	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-08-2023 Heard Mr. Sanjay Kumar, learned counsel for the petitioners, Mr. Ramakant Sharma, learned senior counsel assisted by Mr. Santosh Kumar Pandey, learned Advocate and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 302/201/34 of the Indian Penal Code.

3. All the F.I.R. named accused persons including these petitioners are said to have killed the son of the informant and threw his dead body near Bakhari railway line.



4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case only with the sole intention to put petitioner no.3, Kajal Kumari under pressure so that she may not lay any claim of benefit against the accidental claim of her husband and also with an intention to put pressure and deprive her share in the properties left by her deceased husband. It is further submitted that the deceased Anjani Sharma alias Vikki gave a written application on 23.08.2022 in Narayana Police Station, *inter alia*, stating that his marriage was solemnized on 09.02.2022 with petitioner no.3 and on 23.08.2022, he had come to his Sasural to bring back his wife to Gaya, who had been living with her parents since 11.08.2022. He further stated in his application that his wife was not ready to return back to Gaya as she wanted to go to Gaya after decision of the society. Therefore, he was returning back to Gaya, where he would file a divorce case against his wife (petitioner no.3). It is further submitted that there is no eye witness to the occurrence. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.



5. Learned APP assisted by learned senior counsel appearing for the informant vehemently opposing the bail application submitted that there is ample evidence in the case diary against the petitioners which supports the prosecution case, hence the petitioners do not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as the fact that petitioner no.3 is a young girl and wife of the deceased, let the above named petitioner no.3, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Phesar P.S. Case No. 146 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case and after perusing the case diary as well as the postmortem report, I am not inclined to enlarge petitioner nos.1 & 2 on anticipatory bail. The prayer for anticipatory bail of the petitioner nos.1 & 2 is hereby rejected. However, the petitioner nos.1 & 2 are directed to surrender before the learned Court below within six weeks



from today and seek regular bail and the learned Court below
would pass order in accordance with law without being
prejudiced by this order.

(Anjani Kumar Sharan, J)

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