

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34613 of 2023

Arising Out of PS. Case No.-373 Year-2021 Thana- RIVILGANJ District- Saran

1. AMARANTH SHARMA, Son of Lalbabu Sharma ,Resident of Village - Brahmpur, P.S.- Bhagwan Bazar, District - Saran
2. Chotak Kumar Sharma @ Chotak Sharma, Son of Lalbabu Sharma, Resident of Village - Brahmpur, P.S.- Bhagwan Bazar, District - Saran
3. Sunil Sharma, Son of Late Ramjit Sharma, Resident of Village - Tekniwas, P.S.- Revilganj, District - Saran
4. Sonu @ Raj Kumar Sharma, Son of Sunil Sharma, Resident of Village - Tekniwas, P.S.- Revilganj, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State of Bihar.

2. The petitioners are apprehending their arrest in connection with Rivilganj P.S. Case No. 373 of 2021 registered for offence under Sections 363, 302 and 34 of Indian Penal Code.

3. As per the prosecution case, the informant's son was assaulted by the accused persons including the petitioners at their furniture shop. Thereafter, he was released but threatened by them of dire consequences. The victim in the early morning of 11.10.2021 went to attend the call of nature whereafter he has not returned. The FIR has been lodged after recovery of the



dead body of the informant's son on 14.10.2021.

4. Learned counsel for the petitioners submits that the prosecution case against the petitioners is false and based on extraneous considerations. It is submitted that the delay in lodging of the FIR is itself sufficient to cast a shadow of doubt over the entire prosecution case. After investigation, the police also found the case to be not true and there was sufficient material in the investigation to suggest that the deceased himself was a drug addict and on inimical terms with several persons. The alleged statement of the victim before the informant prior to his death that he was administered some liquid by the accused persons is not corroborated by the postmortem report wherein there is no finding of any poisoning having been detected. The petitioners have clean antecedents and after submission of the final form that the case was not true, the learned trial court has taken cognizance merely on suspicion, which is obvious from the order taking cognizance dated 27.02.2023 (Annexure-3).

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the material referred to by the petitioners, as also the clean antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.



7. Petitioners' prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 learned C.J.M., Saran, in connection with Rivilganj P.S. Case No. 373 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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