

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41883 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Raju Sharma S/O Wakil Sharma @ Wakil Das Resident Of Village- Tatma
Toli Shanti Niketan Hata,P.S.- K. Hat District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 03-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 302 read with 34 of the Indian Penal Code.

As per the prosecution case, the husband of the informant finalised to sell one kattha of his land with the petitioner and co-accused for consideration money of Rs. 3,19,000. The petitioner and co-accused person paid Rs. 21,000/- in cash and 2,000/- to her husband after taking her



husband's signature on a plain stamp paper. The accused person told her husband that they would execute the sale deed when they would pay total amount. In the meantime, there was a lockdown in the country. After the end of lockdown accused person told that they would not purchase the land so return their money. When her husband went to accused person to return the said amount, they refused to take it and told that he would have to pay Rs. 2,50,000/- as an interest of Rs. 23,000/- or to execute the sale deed of the said land in their names, otherwise he would be murdered. The informant has suspicion that petitioner Raju Sharma and the co-accused Wakil Sharma committed the murder of her husband.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. There is no eye witness in this case. The entire allegation alleged in the F.I.R. ranges around suspicion. One of the co-accused person has already been granted regular bail by the Co-ordinate Bench *vide* order dated 30.03.2022 passed in Cr. Misc. No. 64185 of 2021.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.



Considering the aforesaid facts and circumstances as well as the material available on record against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. Accordingly, the prayer for anticipatory bail of the petitioner is rejected with direction to the petitioner to surrender the Court below concerned within 6 weeks from the date of this order and the Court below will consider the prayer of bail of the petitioner in accordance with law without being prejudice by this order.

(Chandra Prakash Singh, J)

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