

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42424 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- MAIRWAN District- Siwan

1. JITENDRA SHARMA @ JITENDRA KUMAR SHARMA Son of Vishwanath Sharma Resident of Imalauli, P.S.- Mairwa, District- Siwan.
2. Shatrudhan Sharma Son of Vishwanath Sharma Resident of Imalauli, P.S.- Mairwa, District- Siwan.
3. Veenet Kumar Sharma Son of Jitendra Sharma Resident of Imalauli, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-02-2023 Learned counsel for the petitioners 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 petitioners, learned counsel for the Informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 341, 323, 337, 302 and 504 read with section 34 of the Indian Penal Code.

As per the prosecution case, the petitioners assaulted the brother of the informant with *danda*. When the



wife of the informant came to rescue, she was also assaulted by the accused persons, due to which she succumbed to injuries.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. As per the postmortem report, the doctor has opined that no external injury has been found on the body of the deceased. The similar situated co-accused person has already been granted bail by the co-ordinate bench *vide* order dated 07.12.2022 passed in Cr. Misc. No. 29458 of 2022. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Siwan in connection with Mairawa P.S. Case No. 169 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a condition:-

The court below shall verify the criminal antecedents



of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Chandra Prakash Singh, J)

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