

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58515 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- KONCH District- Gaya

1. Sanjay Sharma @ Sanjay Kumar Sharma Son Of Madan Sharma R/O Village- Manjhiyawa, P.S.- Konch, District- Gaya
2. Sintu Sharma @ Shubham Kumar Son Of Sanjay Sharma @ Sanjay Kumar Sharma R/O Village- Manjhiyawa, P.S.- Konch, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the petitioners, who are father and son, were renters in his shop and were running a stationery shop, further when the work of road widening started, the shop was demolished, accordingly the petitioners were slowly removing their goods from the shop. It is next alleged that on 28.01.2022 at 12:30 pm,



when the petitioners came to the shop and were taking their articles back, father of the informant asked for the due rent, which was due for last one and a half years, on which the petitioners entered the house and went on the terrace where informant's father was standing and started abusing him and thereafter threw him from the terrace leading to his death and when the women of the house protested, petitioners even abused them and fled.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that petitioner no.1 is aged about 50 years and petitioner no.2 is a young boy aged about 20 years. It is next submitted that the shop which was taken by the petitioners on rent was facing the road and when the road widening started, the shop was demolished on account of which they were taking back their articles. Learned counsel submits that it absolutely does not stand to reason that if the rent was due for one and a half years, why the informant and his father did not take any action or make any endeavours to evict the petitioners from the shop. Learned counsel next submits that a fact which strikes is that the informant has alleged that the petitioners had come to the shop for removing the articles when his father from the



terrace asked them to pay the due rent, it is thus submitted that mere asking of rent could not have infuriated the petitioners to the extent that they would have gone on terrace and thereafter would have thrown the informant's father leading to his death, moreso when it was 12:30 pm and all the inmates of the house were present. Learned counsel next submits that it appears that the fall was accidental and the informant took that as an opportunity to falsely implicate the petitioners. Learned counsel next draws the attention of the Court to the inquest report to submit that from the inquest report it would manifest that the deceased was strangled and thereafter thrown from the terrace but then submits that it appears that the informant, with the help of police to give seriousness to the case, got the same recorded as it is not supported or corroborated by the post-mortem report. Learned counsel at the cost of repetition submits that the petitioners are businessman and no businessman would indulge in an act which could bring disrepute to their business.

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

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 Court below



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 court below where the case is pending/successor court in connection with Konch P.S. Case No. 25 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the learned trial court comes to a conclusion that the petitioners after obtaining anticipatory bail are trying to delay the trial/case in any manner, the learned trial court shall forthwith cancel his bail bonds and shall take all coercive steps to ensure that the petitioners are put behind bar.

(Satyavrat Verma, J)

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