

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20822 of 2024

Arising Out of PS. Case No.-180 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Mantu Sharma S/o Late Puran Mistri R/o Vill - Rahta, P.S. - Udakishunganj,
Dist. - Madhepura
 2. Gopal Sharma S/o Harkhu Sharma R/o Vill - Rahta, P.S. - Udakishunganj,
Dist. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Alok Kumar Singh, learned counsel for

the petitioners and Mr. Md. Matloob Rab, learned APP for the

State.

2. The petitioners are apprehending their arrest in
connection with Udakishunganj P.S. Case No. 180 of 2020,
F.I.R. dated 17.06.2020 registered for the offences punishable
under Sections 302, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on
17.06.2020 when the informant was out of her home at about
10.00 hours, her neighbour namely Shiv Kumar requested her to
immediately accompany to her home and when the informant
came at her home she found the dead body of her son and was



surrounded by the villagers. The body was hanged on the lichi tree in the courtyard of orchard. It has further alleged in F.I.R. that one Rajo Sharma had died 6-9 months before and all the named accused persons called her and threatened that they will kill anyone of the family members of the informant.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R it appears that the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion the petitioners and other co-accused persons have been falsely implicated in the present case. He further submits that the police after investigation submitted chargesheet against the petitioners and not sent up for trial but the learned Court below took cognizance on 04.01.2022 against these petitioners and other co-accused persons and apart from that co-accused person namely Anil Sharma has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 07.03.2022 passed in Cr. Misc. No. 27991 of 2021.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the



case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Udakishunganj, District- Madhepura in connection with Udakishunganj P.S. Case No. 180 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, 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.

(Rajesh Kumar Verma, J)

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