

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31246 of 2024

Arising Out of PS. Case No.-124 Year-2020 Thana- VISHNUPAD District- Gaya

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1. Dhananjay Kumar @ Dhananjay Sharma S/o- Late Kedar Sharma @ Kedar Singh R/o Vishnupad Road, Vill- Brahmani Ghat, P.O. GPO, P.S. Vishnupad, Dist- Gaya
 2. Rakesh Sharma @ Rakesh Kumar S/o- Late Kedar Sharma @ Kedar Singh R/o Vishnupad Road, Vill- Brahmani Ghat, P.O. GPO, P.S. Vishnupad, Dist- Gaya
 3. Pappu Sharma @ Vijay Kumar S/o- Late Kedar Sharma @ Kedar Singh R/o Vishnupad Road, Vill- Brahmani Ghat, P.O. GPO, P.S. Vishnupad, Dist- Gaya
 4. Amit Kumar @ Amit Sharma S/O Dhananjay Sharma @ Dhananjay Kumar R/o Vishnupad Road, Vill- Brahmani Ghat, P.O. GPO, P.S. Vishnupad, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
	:	Mr. Vardaan Mangalam, Advocate
	:	Mrs. Ritika Rani, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 02-08-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Vishnupad PS case no. 124 of 2020, disclosing offences punishable under Sections 302, 120(B) of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that from co-accused persons namely Chandan Kumar and Vishnu Kumar, the informant came to know that the brother



of the informant namely Upendra Mishra has been killed near Falgu river. Upon inquiry, the informant came to know that co-accused Mukesh Kumar Sharma along with the petitioners killed his brother by firing pistol upon him.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of concocted story and suspicion. Learned counsel further submits that during course of investigation, no material has come against the petitioners in order to connect them with the alleged occurrence and all the petitioners are family members. He also submits that Police submitted final form exonerating the petitioners and not sent them for trial, however, differing with the final form, learned Magistrate took cognizance against the petitioners. Petitioners are stated to be having clean antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that Police, after investigation, submitted final form and not sent the petitioners for trial as also the fact that petitioners are having clean antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their



arrest or surrender before the Court below within six weeks, 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 learned Judicial Magistrate-1st class, Gaya, in connection with Vishnupad PS case no. 124 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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