

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56511 of 2024

Arising Out of PS. Case No.-345 Year-2023 Thana- JAMUI District- Jamui

1. Sanjay Sharma Son Of Bechan Sharma Resident Of Village - Achahari, P.S. And District - Jamui
2. Dinesh Mahto Son Of Late Tetar Mahto Resident Of Village - Achahari, P.S. And District - Jamui
3. Ajju Mahto @ Ajay Kumar Son Of Bhola Mahto Resident Of Village - Achahari, P.S. And District - Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 4-6-2023, his father had gone at his boring, but when he did not return till late in the evening, the informant at 7 pm went to the boring and saw his father talking to the accused persons including the petitioners, further when he asked his



father to accompany him back home, when Charitar Mahto said that his father will go back after some time, as they are talking, thereafter at 8 PM, he called his father but his mobile was switched off, thereafter the informant along with his family members and others went to search his father at the boring, but he was not found, thereafter he went to the house of all the six accused persons, including the petitioners, but they were also not present in the house, further on 5-6-2023, a hulla was raised that a dead body has been found near the poultry farm, accordingly he went to the place of occurrence and saw the dead body of his father, who was shot dead, thus alleges that accused persons including the petitioners committed the occurrence.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case based on suspicion. It is next submitted that the informant is not an eye-witness to the occurrence and the petitioners are persons with clean antecedents. It is also submitted that when informant had gone to the boring and met his father and asked him to accompany him back to the house, but then his father at that point of time even did not raise any suspicion that he was feeling threatened in presence of the accused persons.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners and submits that what is not in dispute rather stands admitted is that father of the informant was shot dead and the investigation in the case against the petitioners is going on and in the event if the privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond or may try to tamper with the evidence, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners and also taking into consideration the fact that petitioners are persons with clean antecedent, the petitioners above-named, in the event of their arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Jamui P.S. Case No. 345 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the



learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

8. It is further made clear that if charge sheet is submitted connecting the petitioners with the offence, in that event, the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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