

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62881 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- FALKA District- Katihar

Nandan Sharma @ Nandan Kumar Sharma S/O Suryanand Sharma @
Surjanand Sharma R/O Village- Harpur, P.S- Baunsi, District Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 09-12-2024 Heard the learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Falka P.S. Case No. 63 of 2024, registered for the offences
punishable under Sections 302 and 201 of the Indian Penal
Code.

3. The present F.I.R. has been lodged on the basis of
statement of Chawkidar, Mithlesh Paswan on 10.03.2024.
During patrolling, the Chawkidar received an information that
dead body of a girl wrapped in a blanket was present near the
west side of Kursela-Forbesganj road. The local people did not
identify the dead body. During investigation, one spy apprised
the Chawkidar that the family members including father and



others had committed murder of the deceased and threw the dead body.

4. Learned counsel for the petitioner has submitted that eight days prior to the occurrence, deceased Parwati Kumari had lodged Araria Mahila P.S. Case No. 12 of 2024 under Sections 341, 323, 376(D), 506, 376 (AB) of the Indian Penal Code against Deepak Sharma (who is husband of elder sister of the deceased) namely, Munni Kumari. As per allegation, Deepak Sharma along with named co-accused persons had committed rape upon her.

5. Learned counsel has submitted that the Investigating Authorities in connivance of said Deepak Sharma falsely implicated the family members of the deceased.

6. Learned counsel has submitted further that the bail application of Deepak Sharma was rejected by the trial court as well as this Court in the case of rape with the deceased. It has also been submitted that in that case, the statement of the victim was to be recorded under Section 164 of the Cr.P.C. and with an intention to prevent the victim from rendering her statement under Section 164 of the Cr.P.C., said Deepak Sharma committed murder of the deceased.

7. Learned counsel has submitted further that the wife of



Deepak Sharma has stated herself in protest petition that it was Deepak Sharma who has committed murder of the deceased and prior to committing murder Deepak Sharma had committed rape upon the victim.

8. The wife of Deepak Sharma herself stated in her protest petition that her husband had committed murder of the deceased and at his instance, the family members of the deceased have falsely been implicated in connivance with the Investigating Authorities.

9. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Falka P.S. Case No. 63 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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