

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68242 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- KESARIA District- East Champaran

Chhotan Sharma @ Chhotan Kumar Son Of Nageshwar Sharma Resident Of
Village- Chand Parsa, Ps- Kesariya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kesariya P.S. Case No. 435 of 2022, registered for the alleged offence under Sections 302/34 of the Indian Penal Code.

03. As per prosecution case, the dead body of the son of the informant, who was stabbed with knife, was recovered near an agricultural field. The name of the petitioner transpired during investigation as one of the persons who was also involved in murder of son of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel further submits that



there is no tangible material to connect the petitioner with the offence of murder of son of the informant. Except for confessional statement of co-accused, no material has come on record against the petitioner. Learned counsel further submits that similarly placed co-accused, Nitesh Sahni has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 31.01.2024 passed in Criminal Misc. No. 2597 of 2024. The petitioner has been made accused in one more case apart from the present case.

05. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail, submitting that the co-accused persons have been apprehended, who disclosed the name of this petitioner who was also involved in murder of son of the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the grant of anticipatory to the similarly placed co-accused and also considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a



period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Kesariya P.S. Case No. 435 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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