

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59008 of 2025

Arising Out of PS. Case No.-264 Year-2003 Thana- MADHEPURA District- Madhepura

1. Palay Sharma @ Pelay, male, S/o Late Kaleshwar Sharma;
2. Amrendar Sharma @ Amrendra Sharma, male, S/o Palay Sharma @ Pelay;
3. Dinesh Sharma, male, S/o Palay Sharma @ Pelay;

All are R/o vill - Balua Bhatrandha, P.S.- Madhepura (Gharlardh), Distt.-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Adv.
		Mr. Manoj Kumar, Adv.
		Ms. Pooja Prasad, Adv.
For the Opposite Party/s :		Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-09-2025 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in
connection with Madhepura P.S. Case No. 264 of 2003
registered for the offences under Sections 302 and 201/34 of the
Indian Penal Code.



3. As per the prosecution case, the informant has stated that his daughter was married to Amrendar Sharma @ Amrendra Sharma (petitioner No. 2) about 29 years ago. The informant has alleged that the named accused persons and some unknown villagers have killed his daughter and had even disposed of her body.

4. It has been submitted on behalf of the petitioners that they have falsely been implicated in this case only because of the fact that petitioner No. 1 is the father-in-law, petitioner No. 2 is the husband and petitioner No. 3 is the *Devar* of the deceased. It has further been submitted that the daughter of the informant had died a natural death and as an afterthought, the present F.I.R. was lodged against the petitioners.

5. The learned counsel for the petitioners further submits that the police, after investigation, have submitted final form on 01.11.2004 and thereafter, almost after 20 years, the learned Chief Judicial Magistrate, Madhepura took cognizance of the offences against the petitioners. It has lastly been submitted that the petitioners have clean antecedent and petitioner No. 1 (the father-in-law) is aged about 82 years.

6. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the



petitioners.

7. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Madhepura P.S. Case No. 264 of 2003, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present before the learned Court below on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail-bonds of the petitioners will be liable to be cancelled by the concerned learned Court below.

(iv) If the petitioners, in future, are found to be



involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail-bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedent, the Court below shall take necessary steps for cancellation of their bail-bonds. 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.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. The application stands allowed.

(Sourendra Pandey, J)

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