

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40221 of 2014

Arising Out of PS.Case No. -137 Year- 2013 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Sheo Shankar Yadav S/O Nand Yadav
2. Bhagwat Yadav, son of Ramnath Yadav
Both residents of village- Jiriya, P.S. Lauria, District- West
Champanan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 13-03-2015 Heard Sri Bimlesh Kumar Pandey, learned counsel for

the petitioners, learned Addl. Public Prosecutor and learned
counsel, who has appeared voluntarily on behalf of the informant.

Two petitioners, apprehending their arrest in Lauria
P.S. Case No.137 of 2013 registered for the offence under
Sections 143, 341, 323, 325, 149, 307 of the Indian Penal Code,
have prayed for grant of anticipatory bail.

Learned counsel for the petitioners submits that F.I.R.
was lodged against nine accused persons including the petitioners.
However, during investigation, the police had granted bail to
seven other accused persons and finally, the police submitted final
report in favour of two petitioners and chargesheet was submitted



against remaining accused persons. He submits that after submission of final report, the learned Magistrate differing with the police report has taken cognizance of offence and thereafter, petitioners have reasonable apprehension for being arrested in the present case and, as such, a prayer has been made for extending the privilege of anticipatory bail.

The Court is surprised to notice that once the F.I.R. was lodged under Section 307 and other allied Sections of the Indian Penal Code and specific allegation made in the F.I.R., there was no occasion for grant of bail to the accused persons by the police. The action of Investigating Officer creates serious doubt in the mind of Court. This matter is required to be examined by the concerned Superintendent of Police. Moreover, since in the present case, the learned Magistrate has already passed order of cognizance, there is no reason for extending the privilege of anticipatory bail to the petitioners.

The prayer for anticipatory bail stands rejected with further direction to the Superintendent of Police, West Champaran, Bettiah to examine the conduct of the Investigating Officer of the present case on the basis of materials on record and take appropriate action.

Let a copy of this order be communicated to the

concerned Superintendent of Police.

(Rakesh Kumar, J)

