

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7382 of 2020

Arising Out of PS. Case No.-5 Year-2004 Thana- BARHARA KOTHI District- Purnia

1. PUTTU SINGH Son of Kailash Singh Resident of Village - Balu Tol, P.S.- Barhara, Distt - Purnea.
2. Chandan Singh @ Chandan Kumar Singh Son of Sharda Singh @ Shardanand Singh @ Sharda Prasad Singh Resident of Village - Balu Tol, P.S.- Barhara, Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 07-02-2022 Heard Mr. N.K. Agrawal, learned Senior Counsel assisted by Mr. Bidhu Ranjan for the petitioners and Mr. Sanjay Kumar Tiwary, learned APP for the State through virtual court proceedings.

Petitioners apprehend their arrest in Barhara P.S. Case No.05 of 2004, registered for the offences punishable under Sections 364, 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned Senior Counsel for the petitioners submits that the petitioners are not named in the FIR. After investigation, the police submitted final form against the petitioners. Thereafter the learned court below called for the records,



perused the entire records and accepted the final form on 20.05.2017. It is submitted that the informant being aggrieved with regard to acceptance of final form filed a revision application before the learned Sessions Judge vide Cr. Rev. No.129 of 2017 in which the petitioners were not the parties and the revisional court vide order dated 07.12.2018 after perusal of the entire records set aside the order dated 20.05.2017 with a direction to learned court to peruse minutely the evidence on record and pass order according to law. It is further submitted that thereafter the informant filed protest petition on 10.11.2006 after filing of the final form but the same does not contain the name of the petitioners and she filed revision application only after acceptance of the same in the year 2017. The learned Chief Judicial Magistrate, Purnea without perusing the records and discussing the facts that these two petitioners have already faced trial for the same set of occurrence and has been acquitted, took cognizance against the petitioners on 28.06.2019 after the order passed by the revisional court in which the petitioners were not the parties. It is submitted that co-accused, Shardanand Singh has already been enlarged on anticipatory bail vide Cr. Misc. No.13063 of 2020 dated 04.03.2020.

Taking into consideration the facts aforesaid, let



petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Barhara P.S. Case No.05 of 2004, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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