

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12029 of 2022

Arising Out of PS. Case No.-146 Year-2017 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. CHHOTKAN BIND S/O GHASI BIND RESIDENT OF VILLAGE-ORGAYE, P.S. BHAGWANPUR, DISTRICT- KAIMUR AT BHABUA
 2. RAMDEV BIND S/O RAM RAJ BIND RESIDENT OF VILLAGE-ORGAYE, P.S. BHAGWANPUR, DISTRICT- KAIMUR AT BHABUA
 3. MANOJ BIND S/O CHHOTAKAN BIND RESIDENT OF VILLAGE-ORGAYE, P.S. BHAGWANPUR, DISTRICT- KAIMUR AT BHABUA
 4. BHOLA BIND S/O BAJRANGI BIND RESIDENT OF VILLAGE-ORGAYE, P.S. BHAGWANPUR, DISTRICT- KAIMUR AT BHABUA
 5. SANTOSH BIND S/O KAMESHWAR BIND RESIDENT OF VILLAGE-ORGAYE, P.S. BHAGWANPUR, DISTRICT- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Tribhuwan Narayan, Advocate
For the Opposite Party/s	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr.Rajesh Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the present anticipatory bail application with
respect to petitioner nos. 1, 2 and 3.

Permission is accorded.

The petitioner nos. 4 and 5 apprehend their arrest in a
case registered for the offences punishable under Sections 302
and 34 of the Indian Penal Code.



The informant alleges that on 30.09.2017 at about 7:00 pm, while he along with his brother was at his door, the accused persons, including the petitioners, came to the house of his son who lives adjacent to the informant's house, it is next alleged that they took his son along with them and when his son did not return, the informant inquired from the accused persons but they did not give any satisfactory reply and the very next day the dead body of his son was found in a pond near Kali Temple, it is further alleged that deceased had an outstanding amount of Rs. 70,000/- to be paid to the petitioner no.2 for which the present occurrence took place as the money was not returned by that time.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that police after threadbare investigation submitted Final Form No.27 of 2019 dated 01.06.2019 in favor of the petitioners and the same was accepted also by the learned trial court. Learned counsel next submits that the informant went in a revision against the order accepting the final form and accordingly the order was set aside and the matter was remanded back and thus cognizance came to be taken on 15.09.2021, it is further



submitted that when one investigating agency has already found the case to be false and the learned trial court also being satisfied *prime-facie* chose not to take cognizance after applying judicial mind that in itself demonstrates that the petitioner was falsely implicated.

Learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 4 and 5, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Bhagwanpur P.S. Case No. 146 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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