

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16664 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- MANJHI District- Saran

-
1. AJIT SINGH @ AJIT KUMAR SINGH Son of- Hardan Singh Resident of Village - Tajpur, P.S. - Manjhi, Dist. - Saran at Chapra.
 2. HARDAN SINGH Son of - Late Ballam Singh Resident of Village - Tajpur, P.S. - Manjhi, Dist. - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 302/34 of the Indian Penal
Code.

Learned counsel for the petitioners submits that petitioners
are persons with clean antecedent.

The informant alleges that on 09.03.2021, the accused
persons tried to take illegal possession of the shop of the brothers of
the informant for which her mother had filed a petition before the
police and the police had restrained the accused persons from going
on the said land/shop. It is further alleged that for this reason, the



accused persons were annoyed and were threatening the informant of dire consequences. It is further alleged that on 12.03.2021 at around 07:00 a.m. when mother of the informant had gone at her shop, the accused persons started hurling abuses in filthy language. Further, the informant reached the place of occurrence, when Hardan Singh (petitioner no. 2) ordered to kill Bimla Kuar, the mother of the informant on which Ajit Singh (petitioner no. 1) tried to strangulate her and dashed her on the ground due to which she fell down. It is further alleged that Ajit Singh (petitioner no. 1) even pressed her belly button with his heel on account of which blood started oozing from her mouth. It is further alleged that the mother of the informant became unconscious and she was taken to the hospital from where she was referred ultimately to PMCH where she died during the course of treatment.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that on account of dispute relating to land, the present false case came to be instituted against the petitioners. It is next submitted that police carried a threadbare investigation and submitted final form in favour of the petitioners as would be evident from Annexure-2 to the anticipatory bail application. It is also submitted that when police, during the course of investigation, was not able to find out any material connecting the petitioners with the offence then based on the same investigation the learned trial court in a mechanical



manner took cognizance of the offence. Learned counsel thus submits that when one investigating agency has found the petitioners to be innocent, it would be a travesty of justice to send them to jail merely based on cognizance on the same material where the petitioners were found innocent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the 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 released on anticipatory bail on furnishing bail bonds 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 Manjhi P.S. Case No. 76 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

