

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21804 of 2022

Arising Out of PS. Case No.-37 Year-2020 Thana- SONBERSA District- Saharsa

1. CHHATISH PASWAN S/o Kailash Paswan @ Kailu Paswan R/o village- Barahi, P.S.- Sonbarsa Raj (O.P. Kashnagar), District- Saharsa
2. Pana Paswan @ Pana Kumar S/o Kailash Paswan @ Kailu Paswan R/o village- Barahi, P.S.- Sonbarsa Raj (O.P. Kashnagar), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Jitendra Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

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

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his brother had gone to purchase cow and was carrying Rs. 45,000/-, further he did not return in the night, it is next alleged that a search was made but the victim could not be located and on 02.03.2020, his dead body with throat slit was found.



Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the FIR was against unknown and the name of the petitioner transpired during the course of investigation but police after threadbare investigation, submitted Final Form No. 50 of 2021 exonerating the petitioners of the offences. Learned counsel further submits that the petitioner no. 2 is a young boy aged about 20 years and is a student of B.A. Honours and has recently appeared in his B.A. Honours Part-II Examination conducted by B.N. Mandal University. It is further submitted that police after investigation submitted final form that amply demonstrates that in police investigation at least no material surfaced connecting the petitioner with the offence but then the learned trial court in a mechanical manner proceeded and took cognizance of the offence based on the same investigation based on which the petitioners were found innocent. Learned counsel further submits that in the event if petitioner no. 2 is sent to jail his entire career would be jeopardized and chances are bright that he may come in company of hardened criminals when admittedly the police has found him innocent.

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



Learned counsel for the informant submits that a person has died and during the course of investigation name of the petitioners transpired but is not able to meet the submissions of the learned counsel for the petitioners that police after investigation has found the petitioners innocent and thus submitted final form and also that the petitioner no. 2 is a student.

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 Sonbarsa Raj P.S. Case No. 37 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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