

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42737 of 2022

Arising Out of PS. Case No.-207 Year-2018 Thana- COMPLAINT CASE District- Sheohar

1. SURENDRA GUPTA Son of Devilal Sah Resident of Village Kamrauli, P.S.- Piprahi, District - Sheohar.
2. Sanjay Gupta Son of Devilal Sah Resident of Village Kamrauli, P.S.- Piprahi, District - Sheohar.
3. Jayprakash Gupta Son of Devilal Sah Resident of Village Kamrauli, P.S.- Piprahi, District - Sheohar.
4. Dharmendra Gupta Son of Devilal Sah Resident of Village Kamrauli, P.S.- Piprahi, District - Sheohar.
5. Devilal Sah S/o- Late Ramashish Sah Resident of Village Kamrauli, P.S.- Piprahi, District - Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Prabhat Kumar, Advocate
For the Opposite Party/s :	Mr. Surendra Prasad Singh, A.P.P.
	Mr. Sunil Kumar Verma, Advocate
	Mr. Suman Kumar Verma, Advocate
	Ms. Smriti Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioners, the complainant 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 and 34 of the Indian Penal Code.

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



The complainant alleges on basis of suspicion that accused persons killed his son.

Learned counsel for the petitioners submits that the case has a chequered history. It is further submitted that initially an FIR was instituted being Piprahi P.S. Case No. 87 of 2016, dated 02.11.2016 under Sections 302 and 34 of the Indian Penal Code by the present complainant against the accused persons including the petitioners. In that case, the police after investigation submitted Final Form No. 33 of 2018, dated 31.03.2018 in favour of the present petitioners and the final form submitted by the police was even accepted by the learned trial court. It is next submitted that thereafter present complaint came to be instituted by the complainant (who was informant of Piprahi P.S. Case No. 87 of 2016). It is also submitted that in the complaint five witnesses were examined and the learned trial court by order dated 02.12.2020 was pleased to dismiss the complaint petition. It is further submitted that the complainant against the order of dismissal of the complaint under Section 203 Cr.P.C. went in revision before the learned District and Sessions Judge, Sheohar and the learned District and Sessions Judge, Sheohar after hearing the parties remanded the matter back to the learned trial court based on which cognizance came



to be taken. It is also submitted that initially an FIR was instituted, one investigating agency after carrying threadbare investigation found the petitioners to be innocent as no material transpired during the course of investigation to even remotely connect the petitioners with the offence, thus, the final form came to be submitted which was even accepted, thereafter a complaint came to be filed which was also dismissed as aforesaid but on remand cognizance in a mechanical manner was taken.

Learned A.P.P. for the State and the complainant opposed the prayer for anticipatory bail of the petitioners but are not in a position to meet the submission of the learned counsel for the petitioners that initially an FIR was instituted in which final form was submitted and the same came to be accepted by the learned trial court and thereafter present complaint came to be filed which was dismissed but on remand cognizance was taken.

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 Complaint Case No. C1 - 207 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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