

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72005 of 2021

Arising Out of PS. Case No.-286 Year-2009 Thana- KHAGARIA District- Khagaria

1. PINTU CHOUDHARY Son of Maheshwar Choudhary Resident of Village - Mehauri, P.S.- Muffasil, Distt.- Khagaria.
2. GULO CHOUDHARY Son of Late Brahmdeo Choudhary Resident of Village - Mehauri, P.S.- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120(B) 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 on 03.07.2009 at about 10:00 PM, the petitioners came to the house of the informant and asked the informant's father (deceased) to come with food to the garden on which his father took food for garden keeper and went to garden, it is next alleged that on the next day when the informant's brother went



to give food to the garden keeper again and asked about his father, he was informed that the victim had left for home last night, later when petitioner no. 1 came at the informant's house he was informed about a gun fire and further took the informant to a field where the dead body of his father was lying, accordingly based on suspicion the present F.I.R. came to be instituted.

Learned counsel for the petitioners submits that police after investigation submitted final form in favour of the petitioners being final Report No. 418 of 2010 dated 31.08.2010 (Annexure-2) and the learned Chief Judicial Magistrate, Khagaria in a mechanical manner, differing with the police report, took cognizance against the petitioners by order dated 29.08.2017 and the process was served on the petitioners on 14.10.2021 and thereafter they came to know about their implication in the present case based on cognizance.

Learned counsel for the petitioners next submits that police carried a fair investigation and thereafter came to a considered conclusion that petitioners are innocent but the learned Chief Judicial Magistrate based on the same case diary has taken cognizance differing with the police report, thus it is submitted that since one agency has found the petitioners to be



innocent, hence the privilege of anticipatory bail be extended to the petitioner.

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. 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 Khagaria (Muffasil) P.S. Case No. 286 of 2009 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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