

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66930 of 2022**

Arising Out of PS. Case No.-85 Year-2021 Thana- OBRA District- Aurangabad

SUDHIR PANDEY S/O Sri Ram Sumira Pandey @ Ram Sumiran Pandey  
R/O Village- Surkhi, P.S- Obra, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Ms. Deeksha Singh, Advocate  |
| For the Opposite Party/s | : | Mr. Ram Anurag Singh, A.P.P. |
|                          | : | Mr. Vibhuti Kumar, Advocate  |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

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

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 379, 307, 302 and 34 of the Indian Penal Code.

The informant alleges that on account of dispute relating to land the accused persons assaulted his brother Ajay brutally who died during treatment and Sudhir took away the gold chain from his pocket.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest



that no specific allegation of assault is alleged against this petitioner and the allegation against this petitioner of taking the gold chain is ornamental, it is further submitted that police after threadbare investigation submitted Final Form No. 107 of 2022 Dated 03.06.2022. Learned counsel further submits that the learned trial Court differing with the police report took cognizance of the offence. Learned counsel further submits that it absolutely does not stand to reason that when one investigating agency after threadbare investigation has found the petitioner to be innocent as no material transpired during the course of investigation to connect him with the offence then sending the petitioner to jail would amount to travesty of justice based on cognizance which has been taken on the same material on which the police found him to be innocent.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that police after investigation submitted Final Form and thereafter the learned trial Court took cognizance.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Obra P.S. Case No. 85 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

GauravSinha/-

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