

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22511 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- BACHHWARA District- Begusarai

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DIGGAJ KUMAR S/O BISHAMBHAR RAI Resident of Village- Narepur,
P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 302 and 379 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.

4. The informant alleges that accused persons
intercepted his son and petitioner assaulted him by an iron rod
causing injury on head Dilip snatched chain and took out Rs.
3,000/-, on alarm his grandson came and saw the accused
persons fleeing thereafter his son died.

5. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is



next submitted that from tenor of the allegation as alleged in the FIR, it would manifest that the informant is not an eye witness to the occurrence nor his grandson has seen the petitioner assaulting the deceased, it is next submitted that police, after threadbare investigation, came to a considered conclusion that petitioner is innocent and accordingly Final Form was submitted, but the learned Trial Court differing with the police report in a mechanical manner took cognizance under Section 302 of the IPC read with other sections, thus, the petitioner apprehends his arrest, it is next submitted that when one Investigating Agency after threadbare investigation has come to a considered conclusion that petitioner is innocent whether it would be prudent to send the petitioner to jail at this stage based on an order of cognizance which is taken based on the investigation which finds the petitioner innocent.

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

7. 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 Bachhwara P.S. Case No. 77 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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