

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30832 of 2023

Arising Out of PS. Case No.-64 Year-2016 Thana- TANDWA District- Aurangabad

1. Kamlesh Prajapati Son Of Bajrangi Prajapati R/O Village- Tandwa, P.S.- Tandwa, District- Aurangabad
2. Md. Jalil Khan @ Jalil Khan Son Of Late Sakur Khan R/O Village- Tandwa, P.S.- Tandwa, District- Aurangabad
3. Sohrab Khan Son Of Neshar Khan R/O Village- Tandwa, P.S.- Tandwa, District- Aurangabad
4. Taushif Khan Son Of Rasul Khan R/O Village- Tandwa, P.S.- Tandwa, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Mukul Kumari, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Kamendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-07-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant, on the basis of suspicion, alleges that his minor son was killed by the petitioners whose dead body was found in a well.
4. Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the entire allegation hinges around suspicion and the informant is not an eyewitness to the occurrence. It is further submitted that the police after threadbare investigation submitted final form finding the petitioners innocent and on protest, the learned trial court took cognizance in a mechanical manner. Learned counsel further submits that when one investigating agency after threadbare investigation has come to a considered conclusion that petitioners are innocent whether it would be prudent to sent the petitioners to jail at this stage.

5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submissions of the learned counsel for the petitioners that police after threadbare investigation submitted final form finding the petitioners to be innocent.

6. 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 Tandwa
P.S. Case No. 64 of 2016 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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