

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43177 of 2023

Arising Out of PS. Case No.-46 Year-2012 Thana- KAJRA District- Lakhisarai

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1. FULENDRA SINGH S/O PRAMOD KUMAR SINGH R/O Village- Pokhrama PS. Kajra Dist. Lakhisarai
 2. CHANDRA BHUSHAN SINGH S/O LATE CHHOTELAL SINGH R/O Village- Pokhrama PS. Kajra Dist. Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.
3. The informant alleges that the accused persons came on his land and Dilshan fired causing injury to his son, thereafter, Pawan and Indrasen fired indiscriminately and the injured was brought to the hospital.
4. Learned counsel for the petitioners submits that the petitioners have antecedents of two cases.



5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that no specific allegation of committing any overt act has been alleged, it is next submitted that police after threadbare investigation submitted final form in favour of the petitioners in the year 2016 itself but the learned Trial Court differing with the police report took cognizance by order dated 02.01.2023. It is thus submitted that when one investigating agency, after carrying threadbare investigation, has come to a considered conclusion that the petitioners are innocent, whether it would be prudent to send the petitioners to jail at this stage based on cognizance which has been taken based on the same police report which found the petitioners innocent.

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

7. 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 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) each 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 Kajra P.S. Case No. 46 of 2012 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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