

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12557 of 2021

Arising Out of PS. Case No.-228 Year-2017 Thana- GRIYAK District- Nalanda

1. NAVLESH CHAUDHARY Son of Baudhu Choudhary Resident of Village- Thakur Bigha (Rafar), P.S.- Giriyak, District- Nalanda.
2. Jitendra Chaudhary Son of Baudhu Choudhary Resident of Village- Thakur Bigha (Rafar), P.S.- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 28-02-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner No. 2 apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 302 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner very fairly at the outset submits that when the case was taken up on 9-2-2022, a learned coordinate bench was pleased to reject the anticipatory bail application of the petitioner. It is next submitted that thereafter the case was taken up on 18-2-2022 and from perusal of the order dated 18-2-2022, it would manifest that the learned Coordinate Bench, after taking note of the order dated 9-2-2022,



referred the instant case to a larger bench on the ground that similar matters have been referred to a larger bench and accordingly, this application was directed to be listed before a larger bench along with Cr. Misc No. 57376 of 2019 and in the meantime, interim protection was granted to the petitioner.

4. The learned counsel next submits that the issue referred to the larger bench was whether after summon anticipatory bail is maintainable or not; and the larger bench held that the same is maintainable and thus disposed of Cr. Misc No. 57376 of 2019 by an order dated 12-7-2023.

5. The learned counsel for the petitioners next submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case with general and omnibus allegation. It is next submitted that no doubt case was registered under Section 302 of the IPC, but then the police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted final form exonerating the petitioner of the alleged allegation, but the learned trial court differing with the police report, took cognizance. It is next submitted that when one investigating agency has come to a considered conclusion that petitioner is innocent, whether it would be prudent to send the petitioner to jail based on



cognizance.

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 No. 2, namely, Jitendra Chaudhary, in the event of his 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) 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 Giriyak P.S. Case No. 228 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the petitioner after obtaining anticipatory bail tries to delay the trial of the case in any manner, the court shall be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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