

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2711 of 2024**

Arising Out of PS. Case No.-12 Year-2019 Thana- SC/ST District- Madhepura

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1. Akhileshwar Prasad Singh Son Of Late Mahendra Singh
 2. Kumar Ravi Prakash @ Ravi Prakash Singh @ Himmat Singh Son Of Akhileshwar Singh, Both Are Resident Of Village- Sukhasan, P.S.- Kumarkhand, Sitt.-MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. Sadanand Rishideo Son Of Late Biran Rishideo Village- Bishanpur Musahari Tola, P.S.- Kumarkhand, Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nafisu Zzoha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

3 28-08-2024 1. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant.

3. It is next submitted that police after threadbare investigation came to a considered conclusion that appellants are innocent, hence submitted Final Form No.18 of 2019 dated 31.07.2019, but then the learned Magistrate differing with the police report took cognizance, as such the appellants apprehends arrest.

4. It is further submitted that when one investigating



agency after threadbare investigation came to a considered conclusion that appellants are innocent whether it would be prudent for this Court to send the appellants to jail based on an order of cognizance which came to be taken based on an investigation report which exonerated the appellants of the offence.

5. The learned Special P.P., Mr. Binay Krishna fairly submits that the said submission of the learned counsel appearing on behalf of the appellants cannot be countenanced, but then submits that since learned court has taken cognizance as such a prima facie offence is made out against the appellants, hence anticipatory bail would not be maintainable.

6. In view of the submissions made by the learned Special P.P. the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on or before 23.09.2024 and the learned trial court is directed to disposed of the case on the same day keeping in mind the submissions made by the learned counsel for the appellants as recorded herein above.

(Satyavrat Verma, J)

Prakash Narayan

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