

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47638 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- KHODAWANDPUR District- Begusarai

Raj Kumar Sahu @ Raj Kumar Sah Son of Ram Japo Saho @ Ramjappo Sah
R/O Vill.- Pathraha, P.S.- Khodawandpur, Dist.- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bindeshwar Yadav Son of Late Sone Lal Yadav R/O Vill.- Tetrahi, P.S.-
Khodawandpur, Dist.- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Ms. Rita Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 120(B),
366(A) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case, it is next submitted that police
after threadbare investigation came to a considered conclusion
that petitioner has been falsely implicated in the case by the
informant, thus, submitted final form exonerating the petitioner



of the allegation, but then the learned Magistrate differing with the police report took cognizance. It is further submitted that when one Investigating Agency based on a threadbare investigation came to a considered conclusion that petitioner is innocent whether it would be prudent for this Court to send the petitioner to jail based on order of cognizance which came to be taken based on the same investigation which exonerated the petitioner of the allegation.

4. Learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No. 2 oppose the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that police after investigation submitted final form in favour of the petitioner exonerating him of the allegation.

5. 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 Khodawandpur
P.S. Case No. 69 of 2023 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

**6. Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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