

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2953 of 2024

Arising Out of PS. Case No.-98 Year-2015 Thana- WAJIRGANJ District- Gaya

Vinod Lohani @ Vinod Baiskor @ Vinod Prasad S/O Sitaram Prasad R/O
Village-Gaya Nawada Road, near-Santoshi Mata Temple, N.H.-82, P.S.-
Wazirganj, Distt-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Kumar S/O Kishori Ravidas R/O Village-Wazirganj, Distt-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2024 Heard learned counsel for the appellant and learned
Special P.P., Mr. Sadanand Paswan.

2. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and has been falsely implicated in the instant case. It is next submitted that the police after threadbare investigation, came to a considered conclusion that the appellant is innocent and thus, submitted final form exonerating him of the allegation, but then, the learned Magistrate differing with the police report, took cognizance of the offence, as such, the appellant apprehends his arrest.

3. It is next submitted that when one investigating agency, after threadbare investigation, came to a considered



conclusion that the appellant is innocent, whether it would be prudent for this Court to send the appellant to jail based on an order of cognizance which was taken based on the same investigation report which found the appellant to be innocent.

4. Learned Special P.P., Mr. Sadanand Paswan opposes the prayer for anticipatory bail of the appellant and submits that since cognizance has been taken, it would be construed that prima facie offence is made out against the appellant.

5. In view of the submissions made by the learned Special P.P., the Court is not inclined to extend privilege of anticipatory bail to the appellant.

6. However, in the event, if the appellant surrenders on or before 09.09.2024, the learned Trial Court shall dispose of the case on the same day keeping in mind the fact that the police after investigation submitted final form in favour of the appellant exonerating him of the allegation.

(Satyavrat Verma, J)

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