

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56908 of 2024

Arising Out of PS. Case No.-45 Year-2018 Thana- PALANWA District- East Champaran

1. Kesran Sah @ Krishna Sah @ Kersan Sah Son Of Lt Ashrafi Sah Village-Tapsi Parsauna, P.S.- Palanwa, Distt.- East Champaran
2. Tara Devi Son Of Kesaran Sah @ Krishna Sah Village- Tapsi Parsauna, P.S.- Palanwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Shri Chandra Bhushan Prasad.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 341, 342, 307, 354B, 376 and 34 of the Indian Penal Code and Section 4, 8 and 12 of POCSO Act.

3. Learned counsel for the petitioners submits that Petitioner No. 1 is aged about 94 years and Petitioner No. 2 is about 81 years old. It is next submitted that petitioners are persons with clean antecedent and the police, after a threadbare investigation, came to a considered conclusion that petitioners are innocent, thus submitted final form exonerating them of the



allegations, as would manifest from Annexure-2 to the anticipatory bail application, but then the learned magistrate, differing with the police report, took cognizance, as such, the petitioner apprehended their arrest.

4. The learned counsel next submits that the informant alleges that Rahul, who is her classmate, on 7-5-2018, put vermilion on her head and took her to his house, but her uncle came on 8-5-2018 and took her back and reprimanded Rahul, thereafter Rahul along with the petitioners came and poured kerosene oil on her and immolated her on account of which she received injuries and was admitted in hospital for treatment. It is submitted that the informant subsequently died.

5. Learned counsel for the petitioners submits that informant and Rahul were in love and since their relationship was being objected by the parents of the informant, as such she immolated herself and thereafter the instant case came to be instituted under parental pressure, as such, police, after investigation, finding the petitioners to be innocent, submitted final form. It is also submitted that even Rahul was acquitted by the learned Juvenile Justice Board.

6. The learned counsel thus submits that when one investigating agency based on a threadbare investigation has



come to a considered conclusion that petitioners are innocent, whether it would be prudent for this court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same investigation which exonerated the petitioners of the offences.

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

8. 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 Palanwa P.S. Case No. 45 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

