

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51796 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- AANDAR District- Siwan

Virendra Thakur Son of Ramayan Thakur Resident of Village- Jaijore P.S.-
Andar, District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Ravindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. Mr. Ravindra Kumar.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 14.11.2023 at about 5.00 P.M. she was standing
near her house, when her neighbour namely Rasendra Thakur
and petitioner came and started taking the dry woods kept at her
door, on objection by her husband, it is alleged that Rasendra
stabbed him with a knife on his chest when the petitioner caught
his waist, further the doctor declared her husband dead on
arrival.



4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant for reasons best known. It is also submitted that specific allegation of stabbing the husband of the informant is against Rasendra. It is next submitted that the police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted Final Form No. 2/2024 dated 04.01.2024, exonerating the petitioner of the allegation but then the learned Magistrate differing with the police report, took cognizance, as such, the petitioner apprehends his arrest. The learned counsel next submits that when one investigating agency based on a threadbare investigation has come to a considered conclusion that petitioner is innocent, whether it would be prudent for the court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same investigation report which exonerated the petitioner of the allegation. It is also submitted that petitioner will not abscond rather will co-operate in the trial.

5. Learned A.P.P. Mr. Ravindra Kumar opposes the prayer for anticipatory bail of the petitioner.

6. 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 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 trial court where the case is pending/successor court in connection with Andar P.S. Case No.228/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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