

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56263 of 2024

Arising Out of PS. Case No.-268 Year-2020 Thana- SHAHPUR PATORI District- Samastipur

1. Sushil Kumar Kushmakar @ Sushit Kumar Kushmakar @ Susit Prasad, Son of Dinesh Prasad Sangam, R/o Village- Dakshini Dhamaun, P.S.- Patori, District- Samastipur
2. Manoranjan Prasad Ray @ Manoranjan Prasad, Son of Late Ram Bachchan Ray, R/o Village- Dakshini Dhamaun, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-09-2024 Heard Mr. Ashok Kumar Mishra, learned counsel

for the petitioners and Mr. Arun Kumar Pandey, learned APP for

the State.

2. The petitioners apprehend their arrest in connection with Patori P.S. Case No. 268 of 2020 dated 10.08.2020 registered for the offences punishable under Sections 420, 406, 467, 468, 504 and 506 read with Section 34 of the Indian Penal Code.

3. Learned counsel appearing for the petitioners submits that the petitioner No. 1 has passed Master of Medical Lab Technology course from NIMS University, Jaipur and the petitioner No. 2 is a teacher and both the petitioners have got no



criminal antecedent and they have not taken any money from the informant and others as in the FIR itself, mode of payment is not mentioned. Learned counsel further submits that the learned Magistrate has taken cognizance on the assumption that the chargesheet has been filed but in fact, the police found the allegations levelled against the petitioners to be false and submitted the final form in favour of them as they were not sent up.

4. Learned APP for the State has opposed the prayer for bail of the petitioners.

5. Having considered the submissions noted hereinabove and mainly the facts that the allegations made by the informant in the FIR were investigated and thereafter, the petitioners were not sent up and in this regard, the police report filed with this petition as Annexure-P-2 is relevant in which it is mentioned that the police found the allegations to be false though the learned court below has taken cognizance of the alleged offences but it seems that no judicial mind has been applied while taking cognizance as it is mentioned in the cognizance order that as per the recommendation made in the chargesheet, cognizance is being taken which shows non-application of judicial mind and also coupled with the fair and



clean antecedent of the petitioners, in my opinion, it is a fit case for anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Patori P.S. Case No. 268 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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