

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56254 of 2024

Arising Out of PS. Case No.-30 Year-2020 Thana- BHELDI District- Saran

Ravindra Ray Son of Radha Ray R/O Vill.- Pakari Mahammad, P.s.- Amnaur,
Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv

Mr.Satyapal Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 1. Heard learned senior counsel for the petitioner,
Shri. Y.C. Verma, learned A.P.P. for the State and learned
counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 392 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

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



but then the learned Magistrate based on protest took cognizance. The learned senior counsel for the petitioner submits that when one investigating agency 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 an order of cognizance which came to be taken on protest filed by the informant.

4. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned senior counsel for the petitioner that police after investigation submitted final form in favour of the petitioner but then submits that process under Section 82 Cr.P.C has been issued.

5. Learned senior counsel rebutting the said submission of the learned counsel appearing on behalf of the informant submits that though he has no instruction on the issue but then it is submitted that once final form was submitted as such petitioner was not aware about the order of cognizance nor he received any summons after cognizance was taken but then submits that petitioner will not abscond rather will cooperate in



the trial.

6. Considering the submissions made by the learned senior 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 Bheldi P.S. Case No. 30 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the learned trial court comes to a conclusion that petitioner after his release on anticipatory bail is trying to delay the trial in any manner, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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