

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57475 of 2024

Arising Out of PS. Case No.-491 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. RAMESH PATHAK S/O LATE SUBODH PATHAK R/V- SILAUT, P.S- MUFFASIL, DISTT.- SAMASTIPUR.
 2. DHIRENDRA KUMAR @ DHIRENDRA PATHAK @ VIRENDRA KUMAR S/O RAMESH PATHAK R/V- SILAUT, P.S- MUFFASIL, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-09-2024 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307, 448, 341, 323 and 324/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is further submitted that petitioners during the course of investigation were given the benefit of Section 41(A) of the Cr.P.C. and the police after investigating the case threadbare submitted charge-sheet under bailable sections but the learned Magistrate differing with the police report took cognizance of the offence under Section 307 of the Indian Penal Code also. It is next submitted that petitioners during the course of investigation cooperated with the police in the investigation



and the police never felt the need of arresting them. It is also submitted that based on the same investigation which did not find the case to be true under Section 307 of the Indian Penal Code, the learned Magistrate differing with the police report took cognizance under Section 307 of the Indian Penal Code. It is thus submitted that whether it would be prudent for this Court to send the petitioners to jail when police did not find the case to be true under Section 307 of the Indian Penal Code and never felt the need to arrest the petitioners.

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

5. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, 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 bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Mufassil P.S. Case No. 491 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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